

## HERTSMERE BOROUGH COUNCIL

### ROAD TRAFFIC REGULATION ACT 1984

Date of Order: XXXXXX 2017

Order No: XXX

#### **THE HERTSMERE BOROUGH COUNCIL (HARTFIELD AVENUE, ELSTREE) (RESTRICTION OF WAITING and REVOCATION) ORDER 2017**

Hertsmere 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 Government (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 1, 2, 3, 4, to the Road Traffic Regulation Act 1984 (hereinafter referred to as "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 to the Act of 1984, hereby make the following Order:

1. This Order may be cited as "The Hertsmere Borough Council (Hartfield Avenue, Elstree) (Restriction of Waiting and Revocation) Order 2017" and shall come into operation on xxxxxxx
2. Save as provided in Articles 3, 4 and 5 of this Order no person shall cause or permit any vehicle to wait between the hours of 8am to 6.30pm, Monday to Saturday inclusive in those lengths of Hartfield Avenue, Elstree, 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 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 the permission of a Civil Enforcement Officer appointed by Hertsmere Borough Council and as defined by the Traffic Management Act 2004.
  - (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 reasonably be necessary for postal packets to be delivered or collected;

In this Article;

The expression “universal service provider”, “provision of a universal postal service” and “postal packet” shall bear the same meanings as in the Postal Services Act 2011.

(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 that Article (which said lengths of road are referred 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 reasonably be 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 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” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“disabled persons badge”, “Blue Badge” have the same meaning as given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“driver” means the person driving or having control or charge of the vehicle at any given time and in particular in relation to the vehicle.

“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;

“Penalty Charge” shall have the meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels and Charges) (England) Order 2007 and the provisions of part 6 and Schedule 9 of the Traffic Management Act 2004 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. Where a motor vehicle is parked in contravention of any of the Articles to this Order the driver of any such vehicle shall be issued with a penalty charge notice.
8. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by any other enactment

#### **Revocations**

9. The provisions of the following Order is hereby revoked but only in so far as it is affected by the restrictions imposed by this Order;

\*The Hertsmere Borough Council (Elstree and Borehamwood) (Parking Places) Order 2015

## SCHEDULE

### Hartfield Avenue, Elstree

No Waiting Monday to Saturday (inclusive) 8.00 am to 6.30 pm

Item number	Road	Side of road	Description
1	Hartfield Avenue	South-east	From a point 15 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 5 metres.
2	Hartfield Avenue	South-east	From a point 35 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 5 metres.
3	Hartfield Avenue	North-west	From a point 50 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 5 metres.
4	Hartfield Avenue	North-west	From a point 70 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 5 metres.

IN WITNESS where of the Common Seal of the Hertsmere Borough Council was hereunto affixed  
This xxxxxx 2017

The Common Seal of the  
Hertsmere Borough Council  
was hereunto affixed in the  
presence of :-

Head of Legal and Democratic Services

**HERTSMERE BOROUGH COUNCIL**

**Notice of Proposal**

**THE HERTSMERE BOROUGH COUNCIL (HARTFIELD AVENUE, ELSTREE)  
(RESTRICTION OF WAITING and REVOCATION) ORDER 2017**

NOTICE is given that the Hertsmere Borough Council, (pursuant to arrangements made with Hertfordshire County Council) proposes to make the above named Order under the Road Traffic Regulation Act 1984 to introduce parking changes in Hartfield Avenue, Elstree.

The general effect of the Order will be to reduce the size of current unrestricted parking bays whilst extending the current yellow line restriction in that section of Hartfield Avenue between Deacons Hill Road and the junction adjacent to Nos 85 and 87 Hartfield Avenue.

Documents giving more detailed particulars of the proposal may be inspected from 8<sup>th</sup> December 2016 during normal office hours at Central Reception, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood WD6 1WA, or viewed at [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)

General enquiries relating to the proposal should be referred to Doug Brodie, Planning & Economic Development Department, Tel 0208 207 2277 or Email: [parking.policy@hertsmere.gov.uk](mailto:parking.policy@hertsmere.gov.uk)

Objections to the proposal should be made in writing to: Planning and Economic Development Department, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA by 8<sup>th</sup> January 2017, stating the grounds on which they are made. Letters of support will also be received during this time.

Donald Graham  
Chief Executive  
8<sup>th</sup> December 2016

**HERTSMERE BOROUGH COUNCIL**

**Statement of Reasons for Proposing**

**THE HERTSMERE BOROUGH COUNCIL (HARTFIELD AVENUE, ELSTREE)  
(RESTRICTION OF WAITING and REVOCATION) ORDER 2017**

Hertsmere Borough Council is proposing to improve traffic flow and prevent congestion by shortening the unrestricted parking bays in that section of Hartfield Avenue between Deacons Hill Road and the junction adjacent to Nos 85 and 87 Hartfield Avenue, Elstree as specified in the Schedule to the above mentioned Order.

The proposal comprises lengthening the yellow line restriction of 'No waiting Monday to Saturday 8.00 am to 6.30 pm' near junctions and in the area between the two parking bays. This will have the effect of shortening the unrestricted parking bays to improve traffic flow, prevent traffic conflict in this section of road and improve safety.

This proposal follows a review of the parking arrangements by Council officers and representations from local residents. Hertsmere Borough Council considers that the measure proposed is necessary and expedient in the interests of avoiding danger to persons or other traffic using the road or for preventing the likelihood of any such danger arising.

The proposal will be subject to consultation with local and County Councillors representing the area, Hertfordshire County Council, the local Police, Ambulance, Fire and Rescue Services, other local organisations and groups and local residents.