

**DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER
THE BOROUGH OF DACORUM
(WATERHOUSE STREET, HEMEL HEMPSTEAD)
(DISABLED PERSONS PARKING PLACES)
ORDER 2023**

NOTICE is given that DACORUM BOROUGH COUNCIL, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 5, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, proposes to make the above named Order.

The effect of the Order is the replacement of a section of the existing Taxi Bays with new Disabled Parking Bays 'Mon-Sun 8am-8pm 3 hours no return within 2 hours'.

Other existing restrictions on the road will remain as existing. The proposals are further detailed on the attached drawing.

Documents giving more detailed particulars of the proposals may be inspected at the offices of Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire HP1 1DN, during normal office hours. Electronic copies of the proposed Order, a statement of reasons for proposing to make the Order and drawings showing details of the proposals are available for inspection online at <https://www.dacorum.gov.uk/home/community-living/parking-and-travel/waiting-restrictions> under the title "New DBC Traffic Regulation Orders" or on request by contacting parking@dacorum.co.uk until the end of six weeks from the date on which the Order is made or, as the case may be, the Council decides not to make all or part of the Order.

General enquiries relating to the proposal should be referred to the Traffic Management Team at ADL Traffic and Highways Ltd (Tel: 01454 332100). Objections to the proposal together with the grounds on which they are made must be sent in writing to the Traffic Management Team, ADL Traffic and Highways Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA, or by email to info@adltraffic.co.uk. The deadline for the receipt of objections is **12:00 noon on Wednesday 1st February 2023**. Representations of support will also be received during this time.

Consulting on this scheme is a statutory duty of the Borough Council. Data from this consultation will be collected and held and processed by ADL Traffic and Highways Ltd and Dacorum Borough Council and may be shared with DBC Officers and Borough Councillors. The data will be used to produce a consultation report and to provide feedback to Councillors. Individual respondents will not be identified in the consultation report without permission. The consultation report will be a public document. Link to view Dacorum Council's privacy policy: <http://www.dacorum.gov.uk/home/open-data/personal-information>

Dan Rodger,
Parking Services Team Leader, Dacorum Borough Council,
The Forum, Marlowes, Hemel Hempstead, HP1 1DN

11th January 2023

**DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER
THE BOROUGH OF DACORUM
(WATERHOUSE STREET, HEMEL HEMPSTEAD)
(DISABLED PERSONS PARKING PLACES)
ORDER 2023**

Drafted: September 2022
Coming into Operation: XXXX

Dacorum Borough Council, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 5, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, makes the following Order:

CITATION AND COMMENCEMENT

1. This Order shall come into effect on XXXX and may be cited as 'DACORUM BOROUGH COUNCIL TRAFFIC REGULATION ORDER THE BOROUGH OF DACORUM (WATERHOUSE STREET, HEMEL HEMPSTEAD) (DISABLED PERSONS PARKING PLACES) ORDER 2023'

INTERPRETATION

2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Carriageway" has the same meaning as in section 329(1) of the Highways Act 1980.

"Civil Enforcement Officer (Parking)" means a person authorised by or on behalf of the Council to supervise any parking place and who is appointed by the Dacorum Borough Council under section 76 of the Traffic Management Act 2004;

"Council" means Dacorum Borough 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;

"Disabled Persons Badge" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Disabled Persons Vehicle" means a vehicle displaying in the relevant position a disabled persons badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued.

"Driver", in relation to a vehicle waiting in a parking place or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

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

"Owner", in relation to a vehicle' means the person by whom such a vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 is presumed, unless the contrary is proved, to be the person in whose name the vehicle is registered;

"Penalty Charge" shall have the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004;

"Penalty Charge Notice" shall mean a notice issued by a Civil Enforcement Officer in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

"Permitted Hours", in relation to a parking place, means the days and hours of operation specified in columns 4, 5 and 6 respectively in Schedule 1 in relation to the parking places specified in columns 1 to 3 of that Schedule;

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. 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
6. For the purposes of this Order a vehicle shall be regarded as displaying a disabled persons badge in the relevant position when it is so regarded for the purposes of Regulation 4(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

DISABLED PERSONS PARKING PLACES

7. Those lengths of Waterhouse Street, Hemel Hempstead specified in Schedule 1 to this Order are designated as disabled persons parking places, for use by disabled person vehicles between the hours of 8:00am and 8:00pm Monday to Sunday inclusive, limited to 3 hours waiting with no return within the next 2 hours.
8. Save as provided in Article 9 and 10 of this Order, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is: -
 - (a) a disabled persons vehicle on which is displayed in the relevant position a disabled person badge and parking disc; and
 - (b) wholly parked within the marked limits of the parking place; and
 - (c) waiting for no more than 3 hours (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the same length of road).

EXEMPTIONS

9. Nothing in Article 8 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 Dacorum 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 it is 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 10 below and which cannot reasonably be used for such a purpose without stopping in the restricted area; or
 - (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.
10. The purposes referred to in Article 9(d) 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 code system or of any other telecommunications apparatus lawfully kept installed in any position.
11. In Article 9(e), the expressions 'universal service provider', 'provision of a universal postal service' and 'postal packet' shall bear the same meanings as in the Postal Services Act 2000.

CONTRAVENTIONS

- 12 .(1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left 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 in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
 - (3) The penalty charge shall be paid to Dacorum Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

REVOCATIONS

13. In accordance with Part IV of Schedule 9 of the 1984 Act, the following Orders, relating to the specific stopping and waiting restriction extents described in the schedule to this Order

The Borough of Dacorum
(Waterhouse Street, Hemel Hempstead) (Disabled Persons Parking Places) Order 2023

are to be revoked only for the extents effected by this Order as specified in the sub-Articles that follow:

- (a) The Borough of Dacorum (Waterhouse Street, Hemel Hempstead) (Prohibition of Stopping and Waiting Except Taxis) Order 2014

Schedule; lengths of Waterhouse Street, Hemel Hempstead – no stopping or waiting at any time except taxis.

STREET NAME	SIDE OF STREET	LOCATION
Waterhouse Street	West Side (a)	From a point 57 metres north of a point in line with the projected northern kerbline of Moor End Road northwards for approximately 88 metres to a point 1.5 metres south of a point in line with the projected southern kerbline of Bank Court.

SCHEDULE 1 – Disabled Parking Bays Monday to Sunday 8am to 8pm 3 hours no return within 2 hours

STREET NAME	SIDE OF STREET	LOCATION	RESTRICTED HOURS	MAXIMUM STAY	NO RETURN WITHIN
Waterhouse St	West	From a point 52m north of its junction with Moor End Road for a distance of 63m in a northerly direction.	Monday to Sunday 8am to 8pm	3 hours	2 hours

STATEMENT OF REASONS

THE BOROUGH OF DACORUM (WATERHOUSE STREET, HEMEL HEMPSTEAD) (DISABLED PERSONS PARKING PLACES) ORDER 2023

Proposals

It is proposed to implement changes to the existing parking restrictions on Waterhouse Street, Hemel Hempstead. The proposal comprises the following:

- Replacement of a section of the existing Taxi Bays with new Disabled Parking Bays 'Mon-Sun 8am-8pm 3 hours no return within 2 hours'.

Reasons

The provision of additional Disabled Parking Bays will support disabled individuals and is designed to increase the number of available Disabled Parking Bays within the town.

Road Traffic Regulation Act 1984

The specific grounds with which the Council are using for the implementation of the proposed scheme as above are encompassed in the following sections of the Road Traffic Regulation Act 1984 for making a Traffic Regulation Order:

- Section 1 (a) For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.
- Section 1 (c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
- Section 1 (f) for preserving or improving the amenities of the area through which the road runs.

Thorough consideration was also given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing this Traffic Regulation Order which include:

- Section 122(2)(a) Securing and maintaining reasonable access to premises
- Section 122(2)(c) Facilitating the passage of public service vehicles

Traffic Signs Regulations and General Directions 2016 and Traffic Signs Manual Chapter 3

All of the associated signing and lining will be in accordance with the Traffic Signs Regulations and General Directions 2016 and Traffic Signs Manual Chapter 3.

Equality Act 2010

Thorough consideration has been given to the equalities duty of the Council under Section 149 of the Equality Act 2010.

Residents and Statutory Consultations

Residents and businesses have been directly consulted in March/April 2022. During this consultation no objections were received.

Consultation has also previously been carried out with Statutory Consultees, including The Police, Emergency Services, Freight Transport Association, Road Haulage Association, and the local stakeholders in March/April. During this consultation process, there was an objection from the Taxi Association. Following this, the proposals have been amended accordingly in an attempt to mitigate their concerns by maintaining a section of Taxi Bays to the north of the proposed Disabled Parking Bays.

A Public Consultation (Notice of Proposal) process is now due to take place, hence the publication of these documents.

Dan Rodger,
Parking Services Team Leader, Dacorum Borough Council

11/01/2023