

ROAD TRAFFIC REGULATION ACT 1984

WELWYN HATFIELD BOROUGH COUNCIL

**THE BOROUGH OF WELWYN HATFIELD (PINE GROVE, BROOKMANS PARK) (RESTRICTION OF WAITING)
ORDER 2024**

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 2000 in exercise of the powers conferred on the said County Council by Sections 1, 2, 3, 4, 45, 46, 47, 49 and 53 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 to the Act of 1984 hereby makes the following Order:-

Commencement

1) (a) This Order shall come into operation on 1st July 2024 and may be cited as **The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting) Order 2024** herein after referred to as "this Order".

(b) **The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting) Order Plan 2024** – PG01, (hereinafter referred to as the "accompanying plan") is incorporated into this order.

Interpretation

2) In this Order :-

"accompanying plan" means the plan PG01 as incorporated into **The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting) Order Plan 2024**

"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 Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"Disabled Person's Vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"Civil Enforcement Officer" is a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council;

"Driver" means the person driving the vehicle at the time it was left in the parking place;

"Motor Vehicle" has the same meaning as in Section 136(1) of the Act of 1984;

"Motor Cycle" has the same meaning as in Section 185(1) of the Road Traffic Act 1988;

"Owner" has the meaning assigned to it by s 82. (2) and (3) of the Road Traffic Act 1991;

"Relevant Position" means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Vehicle" means motor vehicle or motor cycle;

Restriction of waiting

- 3) Save as provided in Articles 6, 7, and 8 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or with permission of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time on any part of a road where waiting is prohibited as shown in the labels and Key to the accompanying plan as specified in Schedule 1 to this Order.

Restrictions on the removal of Penalty Charge Notices

- 4) a) Where a Penalty Charge Notice has been attached to a vehicle no person other than the driver of the vehicle, a Civil Enforcement Officer or a Police Constable in uniform shall remove the permit or ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- b) Provided that nothing herein shall apply to a Civil Enforcement Officer or a Police Constable in uniform or a person removing the vehicle in pursuance of an arrangement made by a Police Constable or a Civil Enforcement Officer by or under regulations in pursuance of powers contained in Sections 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

Penalty Charges

- 5) a) Where a person contravenes the prohibitions and requirements set out in the provisions of this Order, the owner of the vehicle in question shall incur a penalty charge
- b) The penalty charge shall be payable to the Welwyn Hatfield Borough Council in accordance with the instructions contained on the penalty charge notice.

Exemptions to the provisions of this Order

- 6) It shall not contravene Article 3 of this Order to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:-
- a) goods to be loaded on or unloaded from the vehicle
 - b) a person to board or alight from the vehicle;
 - c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - i) building, industrial or demolition operations;
 - ii) the removal of any obstructions to traffic;
 - iii) the maintenance, improvement or reconstruction of the said roads;
 - iv) 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.
 - d) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
 - e) the vehicle to be used for fire brigade, ambulance or police purposes;
 - f) the vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets.
 - g) a motor vehicle whilst being 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.

- 7) It shall not contravene Article 3 of this Order to cause or permit a vehicle to wait in the part of the road referred to therein if the vehicle is prevented from proceeding by circumstances beyond the driver's control or if the driver of the vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.
- 8) Nothing in Article 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 park or wait at any time in the lengths of road where waiting is prohibited as shown in the labels and Key to the accompanying plan as specified in Schedule 1 to 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).
- 9) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- 10) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an act of parliament.
- 11) The provisions of the following Order(s) 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 2021

Schedule 1: The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting and Order Plan 2024	
Plan number	PG01

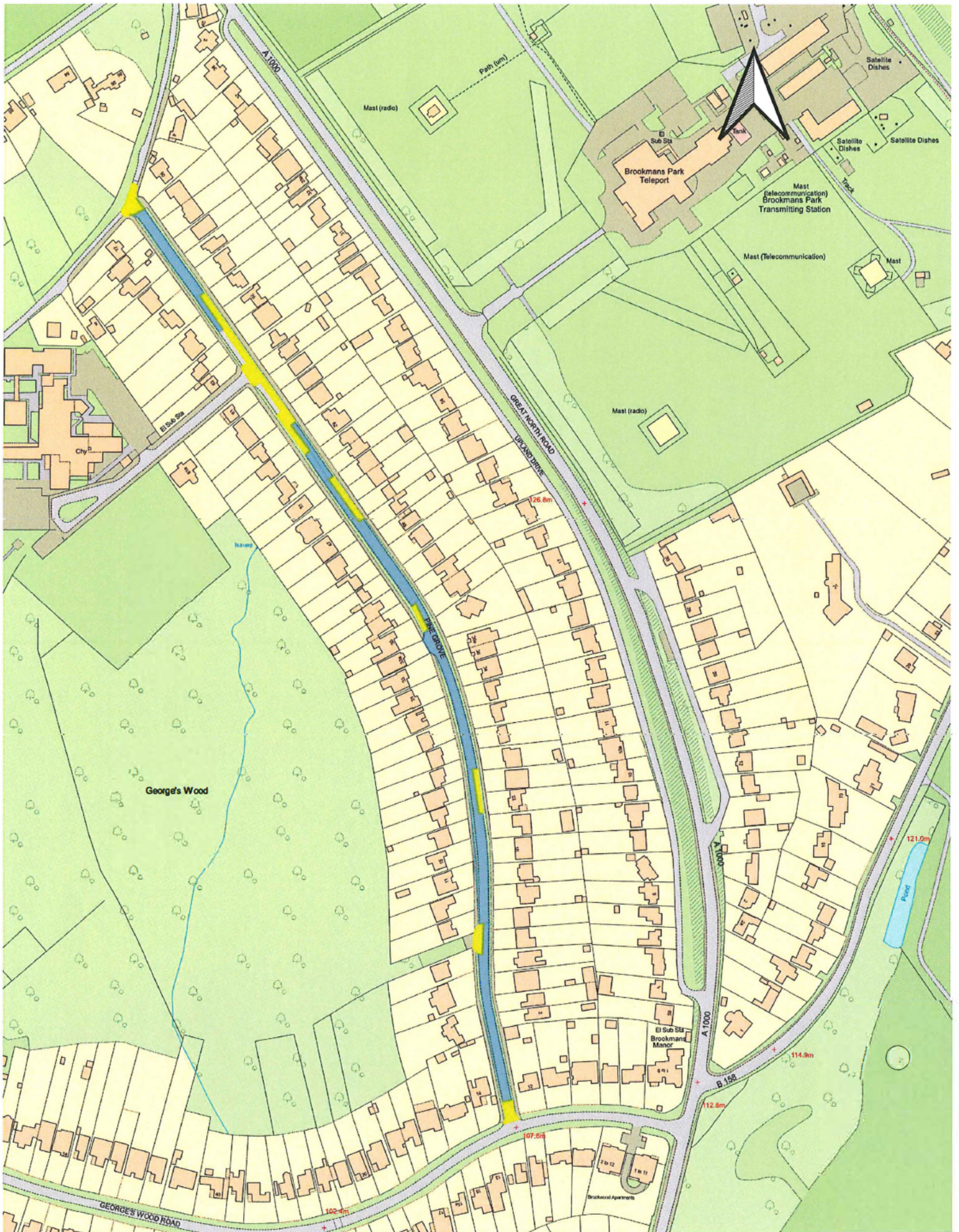
GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this 22nd day of February 2024

THE COMMON SEAL of the WELWYN)
HATFIELD BOROUGH COUNCIL was)
here unto affixed in the presence of:-)

[Redacted signature]

Authorised Officer
Legal Services Manager





Title: The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting) Order 2024

Key
 No Waiting At Any Time Double Yellow Lines

Council Offices, The Campus
 Welwyn Garden City, Herts, AL8 6AE

Plan PG01 Drawn by M McCann 30/08/2023
 Scale: 1:2500 on A3

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STATEMENT OF REASONS FOR PROPOSING

WELWYN HATFIELD BOROUGH COUNCIL

THE BOROUGH OF WELWYN HATFIELD (PINE GROVE, BROOKMANS PARK) (RESTRICTION OF WAITING) ORDER 2024

Welwyn Hatfield Borough Council is proposing to introduce waiting restrictions in **Pine Grove, Brookmans Park**

Residents and the school in the road were consulted on proposed restrictions to address existing problems. Residents expressed concerns about student parking causing congestion; and vehicles parked too close to junctions.

The proposed restrictions are as follows:

Double yellow lines (No waiting at any time), affecting parts of

- Pine Grove

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 an Order for the following reasons:-

- **For the purposes of relieving or preventing congestion of traffic.**
- **For the avoidance of danger to persons or other traffic using the road and preventing the likelihood of any such danger arising.**

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

Geoff Sampson

Assistant Director (Regeneration
and Economic Development)
Welwyn Hatfield Borough Council
20th February 2024

Consulting on this scheme is a statutory duty of Welwyn Hatfield Borough Council. Any personal data you provide in responding to this Notice will be treated as confidential but will be shared with WHBC Officers; Borough Councillors and contracted third parties who are involved in the statutory process. We will not share identifiable data with third parties outside of the statutory process. Guidance on your rights in respect of personal data are published in the Privacy Policy on our website, www.welhat.gov.uk

WELWYN HATFIELD BOROUGH COUNCIL

THE BOROUGH OF WELWYN HATFIELD (PINE GROVE, BROOKMANS PARK) (RESTRICTION OF WAITING) ORDER 2024

THE BOROUGH OF WELWYN HATFIELD (PINE GROVE, BROOKMANS PARK) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2024

NOTICE IS HEREBY GIVEN that the Welwyn Hatfield Borough Council (pursuant to arrangement made with Hertfordshire County Council) has made the above Orders under the Road Traffic Regulation Act 1984 to introduce restrictions in Pine Grove, Brookmans Park as specified in the Schedules to this Notice. These orders will come into effect on **Monday 1 July 2024**.

Documents giving more detailed particulars of the Orders may be inspected on our website at www.welhat.gov.uk/parking-consultations or upon appointment during normal reception opening hours at Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City from **Wednesday 28 February 2024 until Wednesday 24 April 2024**. A copy can also be sent via post during this period upon request.

General enquiries relating to the Orders should be referred to Matthew McCann, Parking Services Team Leader, Council Offices, The Campus, Welwyn Garden City AL8 6AE (01707 357000); email parkingservices@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 stopping or waiting at any time on verge or footway - those sections of road(s) listed below as set out in the Order and accompanying plan

Parts of Pine Grove

SCHEDULE 2: No Waiting at any time restrictions - those sections of road(s) listed below as set out in the Order and accompanying plan

Parts of Pine Grove

Geoff Sampson,
Assistant Director (Regeneration and Economic Development)
Council Offices, The Campus, Welwyn Garden City, Herts AL8 6AE

28th February 2024

