



EXECUTIVE MEMBER DELEGATED POWERS DECISION NOTICE

LOCAL GOVERNMENT ACT 2000 SECTION 9E

1. DETAILS OF EXECUTIVE MEMBER TAKING THE DECISION

Councillor Stephen Boulton

2. TITLE OF REPORT

Introduction of waiting restrictions, resident permit scheme, clearway and verge and footway prohibition in various roads, Salisbury Village, Hatfield

3. DECISION TAKEN

For the reasons set out in this decision notice, and following full consultation in which six formal objections were received, I agree the following:

- a) To introduce the following proposals (see Appendix A, B and C):
- b) The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order 2020 (Appendix A)
- c) The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Prohibition of Stopping or Waiting on Verge or Footway) Order 2020 (Appendix B)
- d) The Borough of Welwyn Hatfield (Albatross Way, Hatfield) (Clearway) Order 2020 (Appendix C)

4. IF URGENT, REASONS FOR URGENCY

Not applicable.

5. DETAILS OF OTHER EXECUTIVE MEMBER(S) CONSULTED

Name **Stephen Boulton**

Signature 

Date this decision was taken: 21 December 2020

Date of circulation/publication of this decision: 22 December 2020

6. EXPLANATION/BACKGROUND

6.1. Following over a decade of discussions surrounding the adoptions of roads within the village, Parking Services began the process of forming parking proposals in February 2020. Following a drop-in surgery and two surveys the majority of respondents voted for a permit scheme operating Mon-Fri 8am to 6pm. In July 2020, Parking Services presented a report to CPPP highlighting the lower than usual response rate seeking approval to proceed with the proposals. It was highlighted that this was likely due to transient nature of residents in this area. Approval to proceed was granted allowing Parking Services to proceed through the statutory consultation process. Six objections were received during the formal consultation phase. CPPP were again presented a report in December 2020 where the proposals received a unanimous vote in favour.

6.2. Legal Implications:

TROs are created under the Road Traffic Regulation Act 1984. Consultations follow a statutory legal process as set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. No other legal implications are inherent in relation into the proposals in this report.

6.3. Financial Implications:

The cost of Traffic Regulation Order advertisements and associated costs, such as any signage and lining works, will be funded through existing Parking Services revenue and capital budgets.

6.4. Risk Implications:

Changing the parking conditions in these areas could generate negative publicity. Some parking may be displaced into nearby roads.

It is standard procedure to monitor new parking restrictions for the first 6 months after any are implemented. During this period all reports of safety issues or parking displacement will be recorded. If any significant safety issues are discovered during the monitoring period, Parking Services will investigate and carry out the appropriate remedial action. Many of the adjacent roads are also contained within the current parking services works programme and residents there will be consulted in due course.

6.5. Communication and Engagement

When making any changes to parking restrictions there is a statutory consultation process set out in the Local Authority Traffic Orders (Procedures) (England and Wales) Regulations 1996 which the Council needs to adhere to. This includes consulting directly with all affected parties and several statutory consultees, such as the Police and Hertfordshire County Council.

- In addition, Notices are required to be erected within all roads affected and advertised in the local newspaper, in this case the Welwyn Hatfield Times.
- Ward and County Councillors have been consulted and no objections have been received regarding these proposals.
- The relevant residents have also been consulted and informed of the proposals. Six objections were received.
- This process has been carried out and there are no known implications in relation to the proposals in this report.

6.6. Equality and Diversity

I confirm that an Equality Impact Assessment (EqIA) has been carried out.

- The EqIA found that there is potential for a positive impact on Disability and Age. Blue badge holders may park without a permit in resident permit parking schemes and can park on double yellow line restrictions for up to 3 hours.
- Visitor vouchers may be purchased at a discounted rate for those persons in receipt of a DHS Pension.
- There is potential for a negative impact on age, pregnancy and disability. The double yellow lines will prevent road users from parking which may cause some motorists to park further away from their destination. Parking Services believe that the benefits gained from double yellow lines far outweigh any drawbacks as it enhances the safe navigation of the highway for all.

6.7. Alternative options considered and reasons for their rejection (if any):

No alternative options were considered.

7. **BACKGROUND PAPERS USED TO INFORM THE DECISION**

Notice of intent, traffic regulation order, plan and statement of reasons advertised on 14th October 2020.

8. **DETAILS OF ANY MEMBERS OR OFFICERS WHO HAVE DECLARED AN INTEREST IN THIS MATTER AND NATURE OF ANY SUCH INTEREST AND ANY DISPENSATIONS GRANTED**

- 8.1 Councillors S. Boulton and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being Members of Hertfordshire County Council.

9. **ADDITIONAL CONFIDENTIAL OR EXEMPT INFORMATION CONSIDERED**

- 9.1. None

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WELWYN HATFIELD BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, SALISBURY VILLAGE, HATFIELD) (RESTRICTION OF WAITING AND PERMIT PARKING ZONES) ORDER 2020

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 **DAY MONTH YEAR** and may be cited as **The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order 2020** herein after referred to as "this Order".

(b) **The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order Plans 2020** – SLSVP/01/2020, SLSVP/02/2020, SLSVP/03/2020, SLSVP/04/2020, (hereinafter referred to as the "accompanying plans") are incorporated into this order.

Interpretation

- 2) In this Order :-

"accompanying plans" means the plans SLSVP/01/2020, SLSVP/02/2020, SLSVP/03/2020, SLSVP/04/2020 as incorporated into **The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order Plans 2020**.

"Business Permit" means a permit issued in accordance with Article 11 of this order;

"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;

"Doctors/Health Visitor Permit" means a permit issued in accordance with the Article 12 of this Order;

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

"Eligible Address" means any postal address which is listed in Schedule 1 to this Order and therefore indicates that the resident or entitled business user may apply for a Parking Permit and/or Parking Vouchers;

"Entitled Business User" means a person who occupies premises the postal address of which is an eligible address as listed in Schedule 1 and which has no off-street parking space provided or authorised by any planning consent related to the premises and who is liable for payment of business rates on that premises;

"Household" means a dwelling with a separate entry on the Council's Council Tax register;

"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;

"Paperless parking permit" means a parking permit issued electronically by the service provider;

"Paperless parking voucher" means a parking voucher issued electronically by the service provider;

"Parking Permit" means a Resident Permit, Business Permit, Contractor Permit, Doctor/Health Visitor Permit or Special Permit issued by the Council under the provisions of this order; or its paperless equivalent;

"Parking Place" means any area on a highway designated as a parking place by this order;

"Parking Voucher" means a Visitor Voucher or issued by the Council under the provisions of this order and bearing printed instructions for its validation on the front face; or its paperless equivalent;

"Parking Zone" or "PZ" refers to all the Parking Places in a specified area indicated by name or alphanumeric code which are to be used only by vehicles displaying a valid Parking Permit or Parking Voucher for that specified area during the permitted hours of operation and which are shown in the labels and key to the accompanying plans specified in Schedule 2 to this Order;

"Pensioner" means any resident who is in receipt of a state pension;

"Permit Holder" means a person to whom a Parking Permit and/or a Parking Voucher has been issued;

"Permitted Hours" means a period specified for each parking place during which the waiting by vehicles of a specific class is permitted as shown in the labels and key to the accompanying plans as specified in Schedule 2 to this Order;

"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;

"Resident" means a person whose usual place of abode is an eligible address listed in Schedule 1 to this Order;

"Resident Permit" means a permit issued to a resident in accordance with Article 9 of this order;

"Service Provider" is a service administering parking transactions, records of permits and vouchers and records of paperless permits and paperless parking vouchers;

"Special Permit" means a permit issued in accordance with Article 13 of this order;

"universal service provider", "provision of a universal postal Service" and "postal packet" shall bear the same meanings as in the Postal Services Act 2011;

"Vehicle" means motor vehicle or motor cycle;

Restriction of waiting

- 3) a) Save as provided in Articles 38, 39, and 40 (a) 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 as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, 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 plans as specified in Schedule 2 to this Order.
- b) Save as provided in Articles 38, 39, and 40 (b) 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 as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to wait on any restricted road during the restricted hours as shown in the labels and Key to the accompanying plans as specified in Schedule 2 to this Order.

Designation of Permit and Voucher Parking Places

- 4) Subject to the provisions of this Order, Permit Parking Places may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), 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 parking disc) that display a valid Permit or Voucher in the relevant position).
- 5) Each area on a highway comprising the length of carriageway of a street as shown in the labels and Key to the accompanying plans as specified in Schedule 2 to this Order which unless otherwise so specified, is bounded on one side of that length by the edge of the carriageway and having a width throughout of at least 1.8 metres, as long as no obstruction of access is caused to any properties along the carriageway, is hereby designated as a parking place.
- 6) Save as provided in Articles 38, 39, and 40 (c) of this Order no motor vehicle may be parked in a parking place as shown in the labels and Key to the accompanying plans as specified in Schedule 2 to this Order during the permitted hours without a valid Parking Permit, or valid Parking Voucher being displayed in the relevant position.
- 7) The absence of a Parking Permit or Parking Voucher, or a record of a paperless Parking Permit or paperless Parking Voucher, for a motor vehicle left in a parking place shall be evidence of the fact that a Parking Permit or Parking Voucher has not been purchased by the driver of the vehicle.
- 8) Parking Permits and Parking Vouchers to be displayed on vehicles left in a parking place at all times;
 - a) when a vehicle is left in a parking place during the permitted hours, the driver thereof shall cause to be displayed in the relevant position a valid paper Parking Permit issued in respect of that vehicle or a valid Parking Voucher so that all the particulars referred to in Article 19 are readily visible from the front of the vehicle; or
 - b) shall have purchased either a paperless Parking Permit or paperless Parking Voucher.

Eligibility for a Parking Permit or Parking Vouchers

- 9) Any resident who is the owner of a motor vehicle or has access to a company vehicle or hired vehicle may apply to the Council for the issue of a **Resident Permit** for each such vehicle in their ownership or control, subject to the maximum Parking Permit allocation per household set out in Schedule 3 to this Order.
- 10) Any resident may apply to the Council for the issue of **Visitor Vouchers**, up to the maximum annual allocation per household of the number of days specified in Schedule 3 to this Order.
- 11) Any entitled business user may apply to the Council for the issue of one **Business Permit** in respect of no more than two vehicles required for the operation of the business.
- 12) Any agency, professional practice or organisation which manages local doctors, midwives, district nurses, health visitors and various other essential domiciliary medical or caring personnel may apply for the issue of a **Doctor/Health Visitor Permit** for the use of these personnel when visiting households in the roads specified in Schedule 1 to this Order. Where possible, such permits will be issued to a particular vehicle. The decision to issue a Doctor/Health Visitor Permit and whether it will be issued to a vehicle, to an individual or to an agency, professional practice or organisation will be at the discretion of the Council.
- 13) Any person (or any person acting on behalf of a resident) may at any time apply to the Council for the issue of a **Special Permit** in respect of a vehicle identifying the user of the vehicle. The decision to issue a special parking permit is at the discretion of the Council. Without prejudice to the generality of the Council discretion the following circumstances may be relevant to an application:
 - a) the applicant's exceptional medical needs;
 - b) the applicant's exceptional social needs;
 - c) any exceptional difficulty experienced by a carer for any resident.

Application for a Parking Permit or Parking Vouchers

- 14) Application for a Parking Permit or Parking Vouchers shall be made on a form either on paper, or electronically provided by the Council. The form must be completed and returned accompanied by a payment for the charge set by the Council, specified in Schedule 4 of this Order and by such documentary evidence of entitlement in respect of an application for a Parking Permit or Parking Vouchers made to them as the Council may reasonably request to verify any particulars or information given to them.
- 15) On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant a Parking Permit or Parking Vouchers provided that the applicant qualifies for the Parking Permit or Parking Vouchers
- 16) a) Where a Parking Permit or Parking Vouchers are issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonoured, the Parking Permit or Parking Voucher shall immediately cease to be valid.
 - b) The Council will serve notice by recorded delivery on the person to whom the Parking Permit or Parking Voucher was issued at the address shown by the applicant on the application form or at any other address believed to be the applicant's place of abode, requiring that person to surrender the Parking Permit or Parking Voucher, to the Council within 48 hours of the receipt of the notice.

Charges for Parking Permits and Parking Vouchers

- 17) The charges for a Parking Permit and Parking Vouchers shall be as specified in Schedule 4 to this Order.
- 18) The charges for a Parking Permit and Parking Vouchers may be amended by the Local Authority giving notice in accordance with section 46A of the Act of 1984.

Form of Parking Permit and Parking Voucher

- 19) a) A Parking Permit shall include the following particulars:
 - i) a serial number by which the Permit Holder may be identified;
 - ii) the registration number(s) of the vehicle(s) for which the parking permit is issued;
 - iii) the expiry date;
 - iv) an alphanumeric code to identify the Parking Zone;
 - v) a paper permit shall include an authentication that the Parking Permit has been issued by the Council
- b) A Parking Voucher shall include the following particulars:
 - i) A serial number by which the Permit Holder may be identified;
 - ii) the day, date, month and year of commencement;
 - iii) an alphanumeric code to identify the Parking Zone;
 - iv) a paper parking voucher, shall include an authentication that the Parking Voucher has been issued by the Council

Surrender, Withdrawal and Validity of a Parking Permit or Parking Voucher

- 20) A Permit Holder may surrender a Parking Permit or Parking Vouchers to the Council at any time.
- 21) The Council may by notice served by recorded delivery on the Permit Holder at the address shown by that person on the application form or at any other address believed to be that person's place of abode, withdraw a Parking Permit or Parking Vouchers, if it appears to the Council that:-
 - a) the Permit Holder has ceased to be eligible to hold a Parking Permit or Parking Vouchers under the provisions of Articles 9 to 13 of this order;
 - b) the vehicle or motorcycle in respect of which a Parking Permit was issued has been adapted or used in such a manner that it is no longer a vehicle for which a Parking Permit can be issued;
 - c) the details on a paper Parking Permit or paper Parking Vouchers as described in Article 19 of this Order have been deliberately altered.
- 22) A paper Parking Permit will be valid only if displayed on the vehicle or motorcycle to which the Parking Permit relates in the relevant position.
- 23) A paper Parking Voucher will be valid only if displayed on a vehicle or a motor cycle in the relevant position and correctly marked in accordance with the instructions for validation on the front face.

- 24) A Parking Permit shall cease to be valid at midnight on the specified expiry date or on the date the Council withdraws the Parking Permit by notice, whichever is the earlier.
- 25) The Council will not make any refund for the withdrawal of a Parking Permit or Parking Vouchers.
- 26) The Council will refund part of the cost of a Parking Permit which has been surrendered, if not less than one month remains before the expiry date, the amount of refund to be as specified in Schedule 5 to this Order and subject to an administration charge as specified in Schedule 4 to this Order.
- 27) The Council will refund the cost of whole books of both parking vouchers which are surrendered before their expiry date subject to an administration charge as specified in Schedule 4 to this Order.

Application for and the issue of a Duplicate Parking Permit or Parking Vouchers

- 28) The Council will issue a duplicate or replacement Parking Permit or Parking vouchers in the following circumstances:
 - a) If a paper Parking Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Parking Permit shall be issued and the original Parking Permit shall become invalid.
 - b) If a paper Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued.
 - c) If a Permit Holder acquires a new vehicle or motorcycle, the Permit Holder shall surrender the original paper Parking Permit to the Council and make an application for a new Parking Permit and the original Parking Permit shall become invalid.
 - d) If paper Parking Vouchers are lost or destroyed, the Permit Holder may apply to the Council for the issue of duplicates. If the Council is satisfied as to the loss or destruction of the Parking Vouchers, duplicates will be issued, on receipt of a new application and the appropriate fee specified in by the Council in Schedule 4. This article applies to whole books of Parking Vouchers only.
 - e) The Council will make an administration charge for the issue of a duplicate Parking Permit or duplicate Parking Vouchers as set out in Schedule 4 to this order.

Restriction on the removal of a Residents Parking Permit

- 29) Where a paper Parking Permit or paper Parking Voucher, has been displayed on or attached to a motor vehicle in accordance with the provisions of Article 6 of this Order, no person other than the driver of the motor vehicle or a Civil Enforcement Officer shall remove the Parking Permit or Parking Voucher from the motor vehicle unless authorised to do so by the driver of the motor vehicle.

Power to Suspend use of Parking Places

- 30) Any person authorised by the Council may suspend the use of a parking place whenever he considers such suspension reasonably necessary;
 - a) for the purpose of facilitating the movement of traffic or promoting its safety; or
 - b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
 - c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or
 - d) on any occasion on 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 or funerals or on other special occasions; or
 - f) for the purpose of facilitating the cleansing of the parking place.

Manner of standing in a parking place

- 31) Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:
 - a) In case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are listed in Schedule 2 of this Order, as to be in accordance with those provisions;

- b) In the case of any other parking place:-
 - i) If the parking place is not in a one-way street, that the left or near-side of the vehicle is parallel to the left-hand edge of the carriageway;
 - ii) That the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres;
- c) In the case of a vehicle left in a parking place as listed in Schedule 2 of this Order that every part of the vehicle is within the limits of a parking place.

Restriction on the use of a parking place

- 32) During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity. Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

Alteration of position of a vehicle in a parking place

- 33) Where any vehicle is standing in a parking bay in contravention of the provisions of Article 31, a Police Constable in uniform or a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a parking place in an emergency

- 34) A Police Constable in uniform or a Civil Enforcement Officer may cause to be moved, in case of an emergency, to any place he thinks fit any vehicle left in a parking place.

Restrictions on the removal of Penalty Charge Notices

- 35) 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.

Installation of and placing of traffic signs etc

- 36) The Council shall:-
- a) Place and maintain traffic signs indicating the limits of each parking place; and place and maintain in or in the vicinity of each parking place as listed in Schedule 2 of this Order, traffic signs indicating that such parking places may be used during the permitted hours for the leaving of the vehicles specified in Article 4; and
 - b) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Penalty Charges

- 37) 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

- 38) It shall not contravene Articles 3 (a) (b) and Article 6 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.
- 39) It shall not contravene Articles 3 (a) (b) and 6 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.
- 40) a) Nothing in Article 3a) 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 plans as specified in Schedule 2 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).
- b) Nothing in Article 3b) 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 on any restricted road during the restricted hours as shown in the labels and Key to the accompanying plans as specified in Schedule 2 to this Order.
- c) Nothing in Article 6 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 during permitted hours in a parking place as shown in the "accompanying plans" as specified in Schedule 2 to this Order and indicated in the labels and key to those plans as parking places.
- 41) 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.
- 42) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an act of parliament.
- 43) 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 2017

Schedule 1: Parking Zone		
Road	Zone Code	Eligible Addresses
Barlow Close	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13.
Chipmunk Chase	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 16.
Derry Leys	B16	Numbers 1, 2, 3 and 4.
Devon Mead	B16	Numbers 1, 2, 3, 4 and 5.
Fillingham Way	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62 and 64.
Oxford Place	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14.
Richards Street	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120 and 122.
Salisbury Hall Drive	B16	Numbers 1, 2, 3, 4, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35.
The Runway	B16	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79 and 81.
Waight Close	B16	Numbers 1, 2, 3, 4, 5 and 6.
Road	Zone Code	Eligible Addresses
Cunningham Avenue	B17	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 56, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175 and 177.
Flamingo Close	B17	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 21, 23 and 25.
Nimrod Drive	B17	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53 and 55.
Queen Bee Court	B17	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 8A, 8B, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34 and 36.
Walker Grove	B17	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70 and 72.
Road	Zone Code	Eligible Addresses
Cunningham Avenue	B18	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90 and 92.
Dragon Road	B18	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 53, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188 and Montgolfier.
Errington Close	B18	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 32, 34, 36, 38 and 40.
Freemans Acre	B18	Numbers 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35.
Halford Court	B18	Numbers 1, 2, 3 and 4.
Horsa Gardens	B18	Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22.
Mosquito Way	B18	Numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100,

Mosquito Way (continued)	B18	102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178 and 180.
Tiger Moth Way	B18	Numbers 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 71, 73, 75, 77 and 79.
The Runway	B18	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 and 23.
Road	Zone Code	Eligible Addresses
Aviation Avenue	B22	Numbers 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214 and 216.

Schedule 2: THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, SALISBURY VILLAGE, HATFIELD) (RESTRICTION OF WAITING AND PERMIT PARKING ZONES) ORDER PLANS 2020		
Plan number		SLSVP/01/2020
Plan number		SLSVP/02/2020
Plan number		SLSVP/03/2020
Plan number		SLSVP/04/2020

Schedule 3: Allocation of Parking Permits and Parking Vouchers	
Permit Type	Limit
Resident Permit	No limit
Resident Permit for motorcycle	No limit
Business Permit	1 permit with a maximum of 2 vehicle registration numbers
Visitor Voucher	Books of 20 Daily Vouchers only Maximum purchase 240 days per year.
Doctors/ Health Visitor Permit	Allocated at Council's discretion
Special Permit	Allocated at Council's discretion

Schedule 4: Charges for Parking Permits and Parking Vouchers	
Application type	Charges
Resident Permit for disabled driver	First permit Free
Resident Permit for motorcycle	£10 per annum
Resident Permit for first car	£25 per annum
Resident Permit for second car	£45 per annum
Resident Permit for third or subsequent cars	£65 per annum
Business Permit	£225 per annum
Visitor Voucher	51p per day or 50% discount to residents receiving state pension sold in whole books of Daily Vouchers only.
Doctors/ Health Visitor Permit	£20 per annum

Special Permit	Charged at council's discretion
Administration type	Charges
Refund Parking Permit and vouchers	£5.10
Duplicate/replacement Parking Permit	£5.10
Duplicate/replacement Parking Voucher	£5.10 whole books only

Schedule 5: Refunds	
Permit Type	Refund
Resident Permit for motorcycle	Pro rata to the nearest month on amounts above £5.10
Resident Permit for first car	Pro rata to the nearest month on amounts above £5.10
Residents Permit for second car	Pro rata to the nearest month on amounts above £5.10
Resident Permit for third or subsequent cars	Pro rata to the nearest month on amounts above £5.10
Business Permit	Pro rata to the nearest month on amounts above £5.10
Visitor Voucher	Cost of whole books only on amounts above £5.10
Doctors/ Health Visitor Permit	Pro rata to the nearest month on amounts above £5.10
Special Permit	Pro rata to the nearest month on amounts above £5.10

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this **DAY of MONTH YEAR**

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

)
)
)

Authorised Officer

Appendix A

WELWYN HATFIELD BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, SALISBURY VILLAGE, HATFIELD) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2020

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 Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 in exercise of the powers of the said County Council under Sections 1(1), 2(1) to (3), 3(2), 4(1) and 4(2) of the Road Traffic Regulation Act 1984 (herein 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 Paragraph 20 of Schedule 9 to the Act of 1984, hereby makes the following Order:-

1. (a) This Order shall come into operation on **DAY MONTH YEAR** and may be cited as "**The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2020**" hereinafter referred to as 'this Order'
 - (b) The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order Plans 2020 – SLSVVPO/01/2020, SLSVVPO/02/2020 and SLSVVPO/03/2020 (hereinafter referred to as the "accompanying plans") are incorporated into this Order.
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
 - "the Act of 1984" means the Road Traffic Regulation Act 1984;
 - "the Council" means Welwyn Hatfield Borough Council;
 - "accompanying plans" means the plans SLSVVPO/01/2020, SLSVVPO/02/2020 and SLSVVPO/03/2020 as incorporated into The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order Plans 2020.
 - "carer" means a family member or paid helper who regularly looks after a child or a sick, elderly or disabled person
 - "carriageway" has the same meaning as in Section 329 of the Highways Act 1980, but does not include lay-bys;
 - "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
 - "footway" has the same meaning as in Section 329 of the Highways Act 1980;
 - "legally qualified medical practitioner" has the same meaning as 'fully registered medical practitioner' in the Medical Act 1983;
 - "medical practitioner" has the same meaning as 'legally qualified medical practitioner';
 - "Midwife, District Nurse or Health Visitor" means a person registered as such with the Nursing and Midwifery Council.
 - "parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984 and by virtue of Section 76 Traffic Management Act 2004, a parking attendant

appointed under Section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions;

“provision of a universal postal service”, “universal service provider” and “postal packet” shall bear the same meanings as in section 65 of the Postal services Act 2011;

“road” means the full width – including any footway or verge – of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

“vehicle crossover” means a metalled surface constructed specifically as a means of access across a verge from the carriageway of a road, to a private driveway or private parking place;

“verge” means any land forming part of the road which is neither carriageway nor footway.

(2) In this Order, except where the context otherwise requires:-

- (a) Any reference to a numbered article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order;
- (b) Any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and
- (c) Any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act 1984, or by or under any other 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.

3. Save as provided in Articles 4, 5 and 6 of this Order no person shall, except upon the direction of, or with the permission of a Police Constable in uniform, or with the permission of a parking attendant, cause or permit any vehicle to stop or wait at any time with two or more wheels on any part of the verge, vehicle crossover or footway, where stopping and waiting is prohibited as shown in the “accompanying plans” and indicated in the key to those plans and as listed in the Schedule to this Order.

4. (1) Nothing in Article 3 of this Order applies to the lengths the verge, vehicle crossover or footway restricted by that Article (which said lengths of the verge, vehicle crossover or footway 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; if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which is being used on that occasion
- (b) a vehicle which is prevented from proceeding by circumstances beyond the driver’s control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
- (c) 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;
- (d) 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.

(2) The "purposes" referred to in sub-Article (1) (c) of this Article are -

- a) any operation involving building, demolition or excavation;
- b) the removal of any obstruction to traffic;
- c) the maintenance, upgrading, improvement to, or reconstruction of a road;
- d) construction, 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.

5. Nothing in Article 3 of this Order applies to lengths of the verge, vehicle crossover or footway restricted by that Article (which said lengths of the verge, vehicle crossover or footway are referred to in this Article as "the restricted area") so as to render it unlawful to cause or permit a vehicle to stop or wait on any vehicle crossover for so long as may 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.
- (c) To enable a medical practitioner, or to enable a Midwife, a District Nurse or a health Visitor registered with the Nursing and Midwifery Council or a carer to make a house call on a patient;
- (d) To enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another, or the removal of furniture from such premises to a depository or to such premises from a depository;
- (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.

6. (1) 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 to stop or wait any time on a vehicle crossover where stopping and waiting is prohibited as shown in the "accompanying plans" to this Order and identified in the key to that plans as no stopping or waiting, 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 stopping or waiting by the same vehicle on the same vehicle crossover

(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.

7. (1) Where a person contravenes any of the restrictions set out in the provisions of this Order, or a vehicle is left on any verge, vehicle crossover, or footway, otherwise than in accordance with the provisions of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

(2) That charge shall be payable to Welwyn Hatfield Borough Council in accordance with the instructions contained on the Penalty Charge Notice.

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 and the relevant Schedule –

The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017

Schedule The Borough of Welwyn Hatfield (Various Roads, Salisbury Village, Hatfield) No Stopping and Waiting at any time on Verge or Footway Order Plans 2020	
Plan Number	SLSVVPO/01/2020
Plan Number	SLSVVPO/02/2020
Plan Number	SLSVVPO/03/2020

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this **DATE**

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

Authorised Officer

**WELWYN HATFIELD BOROUGH COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

**THE BOROUGH OF WELWYN HATFIELD (ALBATROSS WAY, HATFIELD)
(CLEARWAY) ORDER 2020**

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 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. (1) This Order may be cited as “The Borough of Welwyn Hatfield (Albatross Way, Hatfield) (Clearway) Order 2019” and shall come into effect on **DAY DATE MONTH YEAR**

(2) The Borough of Welwyn Hatfield Council (Albatross Way) Clearway Plan – plan reference WHBC/AW/CWAY/01 (“the Clearway Plan”) is incorporated into this Order.
2. In this Order:

“local service” has the meaning given in Section 2 in the Transport Act 1985

“made up carriageway” has the meaning as given in the Highways Act 1980 but does not include laybys.
3. Save as provided in Article 4 of this Order no person shall cause or permit any vehicle stop or wait at any time on those lengths of made up carriageway on Albatross Way, Hatfield, as specified shown in the labels and Key to the accompanying plan as specified in the Schedule to this Order.
- 4(1) Nothing in Article 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;
 - (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 maintenance vehicle operated by a bus operator in order to maintain a bus on local service
 - (e) 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;
(2) The “purposes” referred to in sub-Article (1)(e) 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.
 - (f) use by or on behalf of a local authority whilst engaged in the undertaking of a statutory duty.
5. A vehicle stopped or waiting in contravention of Article 3 of this Order, or left otherwise than in accordance with the provisions of this Order shall incur a penalty charge.
6. For the avoidance of doubt where a length of road is described within Article 3 and the Schedule to this Order and shown as a Clearway on “the Clearway Plan”, that restriction (unless stated to the contrary within the Schedule) shall apply to the whole width of the road so described and in all directions along those said lengths of road.
7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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 and the relevant Schedule –

9. *The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017*

THE BOROUGH OF WELWYN HATFIELD (ALBATROSS WAY, HATFIELD) (CLEARWAY) ORDER PLAN 2020	
Plan number	WHBC/AW/CWAY/01

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this **DATEth** day of **MONTH**, **YEAR**.

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

Appendix C