

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

The North Hertfordshire District Council (Norton Way North, Letchworth) (Parking Places) Order 2019

SERVICE DIRECTORATE: Regulatory

1. DECISION TAKEN

1.1 That the Service Director: Regulatory through his delegated powers under Section 14.6.11(b) (x) of the Council Constitution grants approval in accordance with Part III, s16 of the Local Authorities' Traffic Orders (Procedure) Regulations 1996 (LATO Regs) for ***The North Hertfordshire District Council (Norton Way North, Letchworth) (Parking Places) Order 2019*** as specified in the First Schedule of this Order, as advertised on the 21st February 2019. (Copy of draft Order is attached at Appendix A).

1.2 That the Service Director: Legal and Community Officer be asked to seal the Parking Places Order as outlined in paragraph 1.1.

1.3 That the Strategic Infrastructure and Projects Manager:-

- i) Publish the requisite notice as required under Part III, s17 of the LATO Regs.
- ii) Arrange for appropriate traffic signs to be installed as required under Part III, s18 of the LATO Regs.

2. DECISION TAKER

Ian Fullstone – Service Director - Regulatory

3. DATE DECISION TAKEN:

1 May 2019

4. REASON FOR DECISION

4.1 To seek approval from the Service Director: Regulatory as delegated officer to proceed with the formal creation and subsequent publishing of the above Traffic Regulation Order (TRO) to improve access to local businesses and promote road safety by extending the waiting restrictions to include Saturdays.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The other option is to do nothing, i.e. to leave the current restrictions as set out in 'The North Hertfordshire District Council (Control of Parking) (Consolidation) Order 2014' which includes limited waiting Monday to Friday 8am – 6pm for 1 hour, No return within 2 hours. Not proceeding could further impact on the economic vitality of the local businesses on a Saturday. See Section 8 below.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 It is a statutory requirement under Part II Section 6 of the LATO Regs to formally consult on a permanent Traffic Regulation Order. This includes the following consultees: local fire and ambulance service; local police, Hertfordshire County Council as the Highway Authority, the Road Haulage Association, local businesses and residents likely to be affected by any provision in the Order. This period of consultation was undertaken from 21st February to 15th March 2019.
- 6.2 In accordance with Part II, Section 7 of the LATO Regs a 'Notice of Proposal's' containing the particulars of the proposed parking restriction in the draft TRO was published in the local newspaper, The Comet, on 21st February 2019 and site notices were displayed in Norton Way North adjacent to the parking bays affected by the Order.
- 6.3 Copies of the published draft Order, together with the plan, Notice of Proposals and Statement of Reasons were made available to view during normal office hours at the Council Offices in Gernon Road, Letchworth and on the Council's website.
- 6.4 In order to ensure the smooth implementation of the proposed parking scheme, and to gauge the level of response to the proposal, a pre-consultation exercise was also undertaken during September 2018. Those consulted included: local businesses and residents likely to be affected by the proposal, and Hertfordshire County Council as the Highway Authority.
- 6.5 The Local Ward Members, the relevant County Councillor for the area and the Executive Member for Planning, Transport and Enterprise have been consulted on the proposals and kept informed on progress during the process.
- 6.6 See section 7 below summarising the outcomes of the pre- and statutory consultation exercises.

7. RELEVANT CONSIDERATIONS

- 7.1 The proposal is to extend the current parking restrictions to include Saturdays covering the parking bays outside numbers 51 to 67 Norton Way North. This is in response to the increased longer term usage of these bays for other facilities in the area which is having an impact on the economic vitality of the local shops and businesses in Norton Way North on a Saturday.
- 7.2 At present the current restriction includes limited waiting Monday to Friday 8am – 6pm for 1 hour, No return within 2 hours. The proposal includes:
- Extending the current restriction to introduce limited waiting on Saturdays 8am – 6pm for 1 hour, No return within 2 hours in the on-street parking bays located outside numbers 51 to 67 Norton Way North.
- 7.3 As part of the pre-consultation, letters of support were received from the local shops and Hertfordshire County Council as Highway Authority. Only one letter of objection was received from a local resident regarding the loss of the bays being used by visitors to the residential properties on a Saturday. Available parking in the immediate area has been taken into consideration as part of the proposal. The Council needs to strike a balance between making provision for local residents and businesses when considering on-street parking restrictions. It is the officers' view that there is available parking on-street in Norton Way North towards the junction with Icknield Way and in Cross Street on a Saturday. There is also available parking at Norton Common. Both these locations are in close proximity to the residential properties.
- 7.4 Following discussion with the Executive Member for Planning, Transport & Enterprise it was agreed to proceed with the formal consultation on the draft TRO. The revised Order was drafted and published on 21st February 2019 in accordance with the LATO Regs. (See paragraphs 6.1 to 6.3 above).
- 7.5 No objections were received by the end of the statutory consultation period, i.e. by 15 March 2019.
- 7.6 Given that no objections were received to the statutory consultation on the draft TRO and having notified the Executive Member for Planning, Transport and Enterprise, it is the officer recommendation to the Service Director: Regulatory, that the proposed North Hertfordshire District Council (Norton Way North, Letchworth) (Parking Places) Order 2019 to improve access to local businesses and promote

road safety in terms of managing inconsiderate parking outside the local businesses by extending the waiting restrictions to include Saturdays is published unaltered as stated in paragraph 1.1 above.

8. LEGAL IMPLICATIONS

- 8.1 Under the Responsibilities for Functions-Summary Paragraph 14.2.1 of the Constitution states that decisions about non-executive functions may be delegated by the Council to an Officer.
- 8.2 Section 14.6.1(d) of the Constitution provides that: - *'Before taking a decision under delegated powers which may be controversial or politically sensitive the officer shall notify the relevant Cabinet Executive Member. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance 28 (or any policy) on the statutory requirements and procedures'*.
- 8.3 Under terms of reference 14.6.11(b) (x) of the Constitution, the Service Director: Regulatory has delegated authority for traffic management including the creation of on and off street parking orders
- 8.4 Under terms of reference 14.6.9 (xvi) of the Constitution, the Service Director: Legal and Community has delegated authority for the attestation of the Council's common seal on relevant documents
- 8.5 Section 17 of the LATO Regs provides that within 14 days of making the order the local authority must publish in a local newspaper where the order and associated documents can be inspected.
- 8.6 Section 18 of the LATO Regs provides the local authority must place the relevant traffic sign on or near the area of road affected by the order before the order comes into force

9. FINANCIAL IMPLICATIONS

- 9.1 The consultation costs, publication of notices, sealing of the Made TRO and implementation of the signs on street, will be funded from the town wide parking review budget.

10. RISK IMPLICATIONS

- 10.1 Other than management of member and customer expectation in terms of the TRO not being 'Made' and implemented on street, there are no other risks associated with

this proposal. Implementation of the actions arising from the Council's Parking Strategy is already identified as a risk on the Council's Risk Register.

11. EQUALITIES IMPLICATIONS

- 11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 11.2 There are no direct equalities implications arising from this decision. Alternatives to parking areas are available to visitors during the proposed extended time. The proposed extension seeks to advance equality of opportunity by increasing access to local business. The Order also does not seek to limit parking for disabled persons.

12. SOCIAL VALUE IMPLICATIONS

- 12.1 The Social Value Act and "go local" policy do not apply to this decision.

13. HUMAN RESOURCE IMPLICATIONS

- 13.1 Officers will be responsible for the implementation of the TRO which forms part of their normal duties.

14. APPENDICES

- 14.1 Appendix A: Copy of draft (Norton Way North, Letchworth) (Parking Places) Order 2019.

15. BACKGROUND PAPERS


- 15.1 Public 'Notice of Proposals' setting out NHDC's proposal to make the draft TRO (pursuant to arrangement with Hertfordshire County Council)
- 15.2 Statement of Reasons setting out the reasons for the proposal.
- 15.3 These can be viewed on the Council's website at: <https://www.north-herts.gov.uk/home/parking/parking-reviews/letchworth-parking-review>

16. NOTIFICATION DATE

Date sent to all Members, put on website and appears in MIS - Committee and Member Services will insert

Signature of Executive Member Consulted 

Date1st May 2019.....

Signature of Decision Taker 

Call-in does not apply given that this is a NON-EXECUTIVE DECISIONS

**THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(NORTON WAY NORTH, LETCHWORTH)
(PARKING PLACES) ORDER 2019**

Date of Order:
Order No: NHDC/LET/2019/01

The North Hertfordshire District Council (“the Council”) in accordance with arrangements made under Section 19 of the Local Government Act of 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations with Hertfordshire County Council, and in exercise of their powers under Sections 32 and 35 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 make the following Order:

1. This Order shall come into force on xxxx 2019 and may be cited as The North Hertfordshire District Council (Norton Way North, Letchworth) (Parking Places) Order 2019.

2. (1) In this Order –

“Civil Enforcement Officer” means a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by North Hertfordshire District Council

“Council” means North Hertfordshire District 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 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;

“driver” means the person driving the motor vehicle at the time it was left in the parking place;

“goods” includes postal packets of any description;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on the road as in Section 136(1) of the Road Traffic Regulation Act 1984.

“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;

“parking place” means an area on a highway designated by Article 3 and listed in the First Schedule to this Order;

“penalty charge” has the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004;

“regulated hours” means between 8.00am and 6.00pm Monday to Saturday in relation to those areas of highway referred to in the Schedule to this Order

“relevant position” has the same meaning as given in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

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

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
3. Those lengths of Norton Way North, Letchworth as specified in the Schedule to this Order are hereby authorised for use as parking places between 8.00am to 6.00pm Monday to Saturday inclusive, limited to 1 hour waiting with no return within the next 2 hours.
4. Save as provided in Articles 5(1) and 5(2) of this Order, where in Article 3 of this Order lengths of Norton Way North, Letchworth are described as authorised for use as parking places between 8.00am to 6.00pm Monday to Saturday inclusive, limited to 1 hour waiting with no return within the next 2 hours, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is -
- (a) wholly parked within the marked limits of the parking place; and
 - (b) waiting for no more than 1 hour (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).
5. (1) Nothing in Article 4(b) shall render it unlawful to cause or permit any motor vehicle to wait in the lengths of road specified in the Schedule to this Order so long as may reasonably necessary to enable:-
- (a) a person to board or alight from the motor vehicle;
 - (b) goods to be loaded onto or unloaded from the motor vehicle;
 - (c) the motor 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 obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of roads; or
 - (iv) the laying, erection, alteration, repair in or on land adjacent to the said lengths of roads of any sewer or of any main pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Paragraph 1 (1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;
 - (d) the motor vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the service of a Local Authority or a

Water Authority in pursuance of statutory powers or duties;

- (e) the motor vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;
- (f) the motor vehicle to be used for fire brigade, ambulance or Police purposes.

(2) Nothing in Article 4(b) 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 parking places specified in the Schedule of this Order.

Designation of Parking Places

6. Each length of road listed in the Schedule to this Order is designated as a parking place during the regulated hours.

Placing of Traffic Signs

7. The Council shall:-

- (a) indicate the limits of each parking place on the road;
- (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that the parking place may be used during regulated hours by motor vehicles waiting for a period not exceeding 1 hour with no return within 2 hours 8.00am to 6.00pm Monday to Saturday;
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place on the road.

Manner of Standing in a Parking Place

8. A motor vehicle left in a Parking Place shall stand within the marked limits of that Parking Place.

Movement of Vehicles in Parking Places in Emergencies

9. A Civil Enforcement Officer or a police constable in uniform may require any vehicle left in a Parking Place which is in a dangerous position or causing an obstruction to be moved either by the Driver or in any other reasonable manner.

Power to Suspend use of Parking Places

10. (1) Any person authorised by the Council may suspend the use of a parking place described in the Schedule of this Order whenever he/she considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (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 highway 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 telecommunications apparatus or traffic signs; 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 purposes of facilitating the cleansing of the parking place.

(2) A Police Constable in uniform may suspend the use of a parking place for no longer than twenty-four hours whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

(3) Any person suspending the use of a parking place in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall place in or adjacent to that parking place or waiting restriction a traffic sign indicating that waiting by vehicles is prohibited.

Restriction of Use of Motor Vehicles at Parking Places

11. (1) Whilst any motor vehicle is in a parking place during the regulated hours, no person shall use the motor vehicle for the sale of any article, skill or service.

(2) Nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected. Such a vehicle to be permitted to wait in a parking place for no longer than 5 minutes.

Penalty Charge Notices

12. (1) Where a vehicle is left in contravention of any Article contained within this Order, or left otherwise 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 North Hertfordshire District Council in accordance with the instructions contained on the Penalty Charge Notice.

13. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

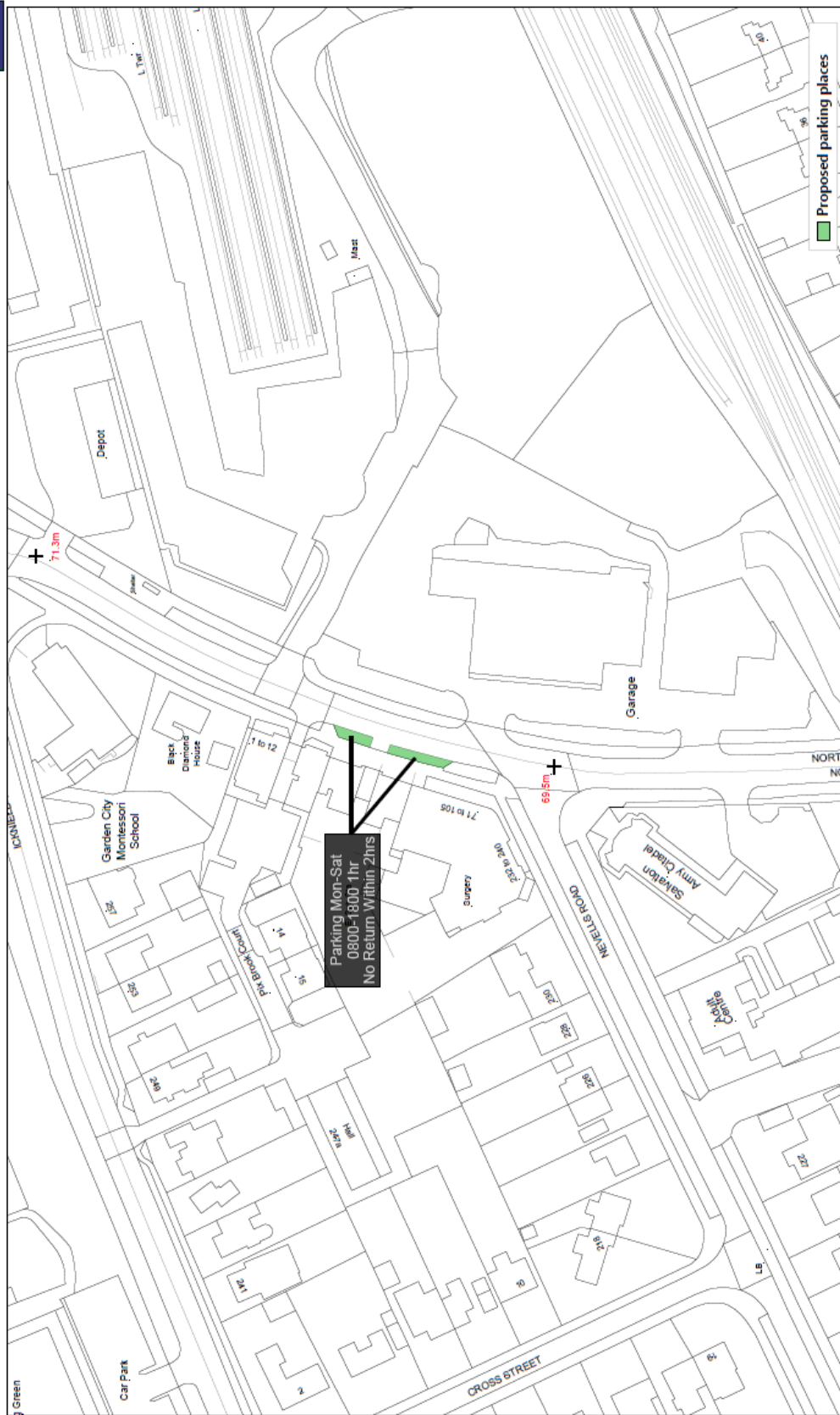
14. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

Revocations

15. 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:



Proposed Norton Way North (Parking Places) Order 2019



Proposed parking places

Scale: 1:858
Date: 14.02.19

© Crown copyright and database rights 2019 Ordnance Survey 100018622