

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

**THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(WEST HILL, GRAYS LANE AREA, HITCHIN, ZONE J) (CONTROL OF PARKING)
ORDER 2015 (AMENDMENT) ORDER 2022**

SERVICE DIRECTORATE: Regulatory

1. DECISION TAKEN

1.1 That the Service Director: Regulatory through his delegated powers under Section 14.6.10(b) (x) of the Council Constitution grants approval in accordance with Part III, s17 of the Local Authorities' Traffic Orders (Procedure) Regulations 1996 (LATO Regs) for

**THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(WEST HILL, GRAYS LANE AREA, HITCHIN, ZONE J) (CONTROL OF PARKING)
ORDER 2015 (AMENDMENT) ORDER 2022
as specified in the Article three of this Order**

(Copy of draft Order is attached at Appendix A).

1.2 That the Service Director: Legal and Community be asked to seal the Restriction of Waiting Order as outlined in paragraph 1.1.

1.3 That the Technical Projects Officer: -

- 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

Service Director: Regulatory

3. DATE DECISION TAKEN:

21st September 2022

4. REASON FOR DECISION

4.1 To proceed with the formal amendment and subsequent publishing of the above Traffic Regulation Order (TRO) to accommodate the inclusion of seven residential dwellings into the eligibility of the existing Controlled Parking Scheme Zone J.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The properties listed in Article 3 of this Order were omitted at the time of the creation of Zone J under the North Hertfordshire District Council (West Hill, Grays Lane) (Control of Parking Order) 2015. Following requests from those residents affected it is evident that these seven properties should have been included in the original list of eligibility for the scheme. 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 residences likely to be affected by any provision in the Order. This period of consultation was undertaken from 5th August to 10th September 2021. It is acknowledged that this consultation was some time ago however the properties that are to be included in the scheme are pre-existing dwellings that should have been included originally and are not new build or in-fill.
- 6.2 In accordance with Part II, Section 7 of the LATO Regs a 'Notice of Proposal's' containing the particulars of the proposed amendment in the draft TRO was delivered to the properties immediately affected by the proposal.
- 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 (by appointment only) at the Council Offices in Gernon Road, Letchworth and on the Council's website.
- 6.4 The Local Ward Members, the relevant County Councillor for the area, the previous and current Executive Member and Deputy who have transport in their portfolio have been consulted on the proposals and kept informed on progress during the process.
- 6.5 See section 8 below summarising the outcomes of the pre-consultation and statutory consultation exercises.

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. RELEVANT CONSIDERATIONS

- 8.1 The proposal is to amend the list of eligibility to the existing Zone J scheme to include seven properties previously omitted. The properties to be included were omitted in error from the original eligibility of the scheme and as such are to be included into Zone J. The properties to be included are not new build dwellings or in-fills and were built at the same time as the surrounding dwellings.
- 8.2 As part of the pre-consultation, letters advising of the proposal were hand delivered to all the residential properties immediately affected. Email consultation was undertaken with the statutory bodies.
- 8.3 Following discussion with the former Executive Member for Enterprise, the Arts & Transport and Deputy, it was agreed to proceed with the formal consultation on the draft TRO in accordance with the LATO Regs. (See paragraphs 6.1 to 6.3 above).
- 8.4 Three letters of objection were received from residents of Winston Close. Winston Close is a small cul-de-sac situated to the rear of Old Park Road, Hitchin. The objections were of a similar nature and were expressing concerns over inconsiderate parking, cars from other roads parking in their street and restriction to road width for refuse lorries and emergency services. Winston Close was then revisited by officers from NHDC at various times of the day and on a refuse collection day. Despite there being two or three cars parked on the road there was no evident inhibition to turning circles or the ability to safely collect refuse from the properties.
- No letters of objection or concern were received from any other element of Zone J.
- 8.5 Given that no objections were received by any other part of Zone J and that Zone J is predominately made up of properties with the ability to comfortably park off road. Together with the amount of permits currently purchased does not lead to over capacity of the scheme, and having notified the current Executive Member and Deputy for Planning and Transport, it is the officer recommendation to the Service Director: Regulatory, that the proposed North Hertfordshire District Council (West Hill Grays Lane area Zone J (Control of Parking) Order 2015 (Amendment) Order 2022 to allow for the inclusion of the 7 properties stated in Article 3 is published as stated in paragraph 1.1 above.

9. LEGAL IMPLICATIONS

- 9.1 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.
- 9.2 Section 14.6.2(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'*.
- 9.3 Under terms of reference 14.6.10(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
- 9.4 Under terms of reference 14.6.8 (a)(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
- 9.5 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.
- 9.6 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.

10. FINANCIAL IMPLICATIONS

- 10.1 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.

11. RISK IMPLICATIONS

- 11.1 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.

12. EQUALITIES IMPLICATIONS

- 12.1 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.
- 12.2 There are no direct equalities implications arising from this decision. The proposal seeks to correct an omission to the original 2015 order with the eligibility of the properties within the scheme increasing by seven dwellings. The Order also does not seek to limit parking for disabled persons.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this decision.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are not considered to be any Human Resource implications.

16. APPENDICES

- 16.1 Appendix A: Copy of draft (in PDF format. Copy of existing plan and proposed plan.

17. BACKGROUND PAPERS

- 17.1 Public ‘Notice of Proposals’ setting out NHDC’s proposal to make the draft TRO (pursuant to arrangement with Hertfordshire County Council)
- 17.2 Statement of Reasons setting out the reasons for the proposal.
- 17.3 These can be viewed on the Council’s website at: [Hitchin Parking Review | North Herts Council \(north-herts.gov.uk\)](http://Hitchin Parking Review | North Herts Council (north-herts.gov.uk))

18. 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 

Date:.....21st September 2022.....

Signature of Decision Taker 

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



Hitchin Zone J
amendment order 20



Hitchin Zone J
Proposed.pdf



Hitchin Zone J
Existing.pdf