

## THE BOROUGH OF DACORUM (CONTROLLED PARKING ZONES) ORDER 2020 (AMENDMENT NO.1) (ELM GROVE, BERKHAMSTED) ORDER 2023

NOTICE is given that DACORUM BOROUGH COUNCIL pursuant to arrangements made under Section 19 of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 4, 45, 46, 47, 49, 51, 53 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, proposes to make the above Order:

The effect of the Order is introducing the following restrictions on Elm Grove, Berkhamsted:

- No Waiting at Any Time (Double Yellow Line) Restrictions on the Western side of its carriageway from a point 52m south of its junction with High Street for the remainder of its extent to its limit of adoption.
- Permit Parking Area Monday to Sunday inclusive, 8am to 8pm on the Eastern side of its carriageway from a point 39m south of its junction with High Street for the remainder of its extent to its limit of adoption.

Further information on the councils Permit parking schemes including charges can be found by visiting the councils website at; [www.dacorum.gov.uk/home/community-living/parking-and-travel/resident-parking-permits](http://www.dacorum.gov.uk/home/community-living/parking-and-travel/resident-parking-permits)

The effect of the order is also to update the enforcement legislation quoted in Article 29 of the 2020 Order to reflect recently updated enforcement legislation and as such update the definitions quoted in Article 2 of the 2020 Order.

All other provisions of The Borough of Dacorum (Controlled Parking Zones) Order 2020 will remain unchanged.

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

General enquiries relating to the proposal should be referred to the Traffic Management Team at ADL Traffic and Highways Ltd (Tel: 01454 332100). Objections to the proposal together with the grounds on which they are made must be sent in writing to the Traffic Management Team, ADL Traffic and Highways Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA, or by email to [info@adltraffic.co.uk](mailto:info@adltraffic.co.uk). The deadline for the receipt of objections is **Wednesday 22nd March 2023**. Representations of support will also be received during this time.

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

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

**Wednesday 1<sup>st</sup> March 2023**

**DACORUM BOROUGH COUNCIL**

**TRAFFIC REGULATION ORDER**

**THE BOROUGH OF DACORUM (CONTROLLED PARKING ZONES) ORDER 2020  
(AMENDMENT NO.1) (ELM GROVE, BERKHAMSTED) ORDER 2023**

Drafted: 24<sup>th</sup> November 2022  
Coming into Operation: .... 2023

Dacorum Borough Council, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 4, 45, 46, 47, 49, 51, 53 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, makes the following Order:

1. This Order shall come into operation on .....2023 and may be cited as THE BOROUGH OF DACORUM (CONTROLLED PARKING ZONES) ORDER 2020 (AMENDMENT NO.1) (ELM GROVE, BERKHAMSTED) ORDER 2023.
2. In this Order, the expression “enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Borough of Dacorum (Controlled Parking Zones) Order 2020, “The Order of 2020”, shall have effect as though:
  - (a) The sides of road referred to in Columns 1,2 & 3 of Schedule 1 to this Order shall be added to Schedule 1 of the Order of 2020.
  - (b) The sides of road referred to in Columns 1,2 & 3 of Schedule 2 to this Order shall be added to Schedule 27 of the Order of 2020.
  - (c) Article 29 of the Order of 2020 were amended by the substitution of the wording:
    - (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a Controlled Parking Zone during the permitted hours in contravention of any provision of this Order then a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 shall be deemed to have occurred.
    - (2) If a vehicle (other than a vehicle otherwise exempted by this Order or the CPZ Order where relevant) is left within a Controlled Parking Zone during the restricted waiting hours or restricted loading hours, or both, in contravention of any no waiting restriction or no loading restriction, or both, then a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 shall be deemed to have occurred.

With the words:

If a vehicle is left in a controlled parking zone without complying with the provisions of this Order, then a contravention of, or failure to comply with, the provisions of this Order shall be deemed to have occurred and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 1 of Schedule 7 and Part 6 and Schedule 9 of the Traffic Management Act 2004.

4. Article 2 of the Order of 2020 shall be amended by the by the substitution of the words:

“penalty charge” has the same meaning as in part 6 of the Traffic Management Act 2004;’

with the words:

*“Penalty Charge” - means a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and schedule 9 of The Traffic Management Act 2004”.*

**SCHEDULE 1: Waiting Restricted At Any Time  
 Berkhamsted (Zone F)**

<b>1 Street Name</b>	<b>2 Side of street</b>	<b>3 Length of street</b>
Elm Grove	West	From a point 52m south of its junction with High Street for the remainder of its extent to its limit of adoption.

**SCHEDULE 2: Permit Parking Areas: Monday to Sunday inclusive, 8am to 8pm  
 Berkhamsted (Zone F)**

<b>1 Street Name</b>	<b>2 Side of street</b>	<b>3 Length of street</b>
Elm Grove	East	From a point 39m south of its junction with High Street for the remainder of its extent to its limit of adoption.

## STATEMENT OF REASONS

### THE BOROUGH OF DACORUM (CONTROLLED PARKING ZONES) ORDER 2020 (AMENDMENT NO.1) (ELM GROVE, BERKHAMSTED) ORDER 2023

#### Proposals

It is proposed to implement changes to the existing waiting restrictions on Elm Grove, Berkhamsted. The proposed changes consist of the following:

- Introduction of No Waiting at Any Time (Double Yellow Line) Restrictions on the Western side of Elm Grove
- Introduction of a Permit Parking Area Monday to Sunday inclusive, 8am to 8pm.

The effect of the order is also to update the enforcement legislation quoted in Article 29 of the 2020 Order to reflect recently updated enforcement legislation and as such update the definitions quoted in Article 2 of the 2020 Order.

#### Reasons

The proposals have been formulated in response to concerns being raised with regards to non-resident vehicles (consisting of shoppers and commuters) parking on Elm Grove meaning residents are unable to park near to their properties.

These measures are also being proposed for the following reasons:

- To prevent double parking on Elm Grove
- To enable residents to park close to their homes by preventing commuters/shoppers parking on the road (whom would not be eligible for a permit).
- To generally improve the safety and navigability of Elm Grove for road users

To ensure that all recently introduced restrictions at Elm Grove are covered by the most up to date and current enforcement legislation.

#### Road Traffic Regulation Act 1984

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

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

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

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

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

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

**Equality Act 2010**

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

**Residents and Statutory Consultations**

Residents of Elm Grove have been consulted on the proposals in August/September 2022. 1 Objection was received from a total of 30 consultees which represents just 3% in objection to the proposals. The consultation process and objections were summarised in a report which was subsequently reviewed by the Portfolio Holder and Local Councillors and the decision was made to continue with the proposals.

Consultation for Elm Grove has also previously been carried out with Statutory Consultees, including The Police, Emergency Services, Freight Transport Association, Road Haulage Association, and the local stakeholders in August/September 2022. No objections were raised.

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

Dan Rodger,  
Parking Services Team Leader, Dacorum Borough Council

Wednesday 1<sup>st</sup> March 2023