

STATEMENT OF REASONS

THE ST ALBANS CITY AND DISTRICT COUNCIL (ST ALBANS DISABLED PARKING PLACES) ORDER 2022

St Albans City and District Council (pursuant to arrangement made with Hertfordshire County Council) introduces restriction of waiting and the provision of Disabled Parking Bay in the following areas of St Albans;

Designated Disabled Persons Parking Place

Chequer Street St Albans, Outside HSBC As defined in the draft Traffic Regulation Order and accompanying map.

The general effect of these order will:

- Improve the amenity of the road and its surroundings
- Provide suitable and adequate parking facilities for disabled blue badge holders
- Reduce instances of inappropriate or inconsiderate parking

The proposals have been developed following consultation with Residents, District and County Councillors, Hertfordshire County Council, Hertfordshire Constabulary, and all other statutory consultees, taking into account Section 122 of Road Traffic Regulation Act 1984.

Victoria Webb – Parking Development Team, Community Place and Delivery Services

Council of the City & District of St Albans

Civic Centre, St Peters Street, St Albans, AL1 3JE

Date 14/07/2022

**ST ALBANS CITY AND DISTRICT COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
THE ST ALBANS CITY AND DISTRICT COUNCIL (VARIOUS ROADS, ST
ALBANS)
(DISABLED PERSONS PARKING PLACES) ORDER 2022**

The St Albans City and District Council, pursuant to arrangements made under section 19 of The Local Government Act 2000 and The Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 32 and 35 of the Road Traffic Regulation Act 1984 (which said act of 1984 is hereinafter 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 Officers of Police in accordance with Part II of Schedule 9 to the 1984 Act, makes the following Order:

Commencement and Citation

1. This Order may be cited as "The St Albans City and District Council (Chequer Street, St Albans) (Disabled Persons Parking Places) Order 2022 hereinafter referred to as "this Order" and shall come into operation on 1st August 2022.
2. The City and District of St Albans On-Street Disabled persons parking places plan number **DB-01-2022** ("The On-Street Plan") is hereby incorporated into this Order and its Schedule.

Revocation

3. 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;
 - The City and District of St Albans (Control of Parking) (Consolidation) Order 2013.
4. 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.

Interpretations and Definitions

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

6. In this Order:-

"Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means St Albans City and District Council.

"Civil Enforcement Officer" is a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by St Albans City and District Council;

"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 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;

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

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

"motor vehicle" has the same meaning as in Section 136(1) of the Act of 1984;
"vehicle" means motor vehicle or motor cycle;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"Disabled Persons Parking Place" means an area of road designated by this Order for the waiting of vehicles on which is displayed in the relevant position a valid Disabled Persons and Parking Disc and indicated on the carriageway by markings prescribed in accordance with the Traffic Signs Regulations and General Directions 2016 or any subsequent legislation.

"permitted hours" means the hours and days of the week as particularised on "The On Street Plan" and key thereof;

"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;

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

Designation of Disabled Persons Parking Places

7. That area of road identified on "The On Street plan" and detailed in the key to that plan as Parking for Disabled Badge Holders only, may be used for the leaving during permitted hours of vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled persons badge and parking disc), but subject to the time limitations as set out in Article 9.

Restrictions of waiting in a designated disabled persons parking place

8. Unless exempted by the provisions of this Order where in Article 7 of this Order a length of road is described as authorised for use as a disabled persons parking place, the driver of a vehicle shall not permit the vehicle to wait in that disabled persons parking place unless it is;
 - a) a disabled persons vehicle on which is displayed in the relevant position a disabled persons badge and clock.
 - b) a disabled person's vehicle is wholly parked within the marked limits of the parking place.
9. Unless exempted by the provisions of this Order where in Article 7 of this Order a length of road is described as authorised for use as a disabled persons parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place;
 - a) for a period no longer than 3 hours
 - b) if a period of less than 2 hours being the period of which a vehicle must not return to that parking place has elapsed.

Power to Suspend use of Parking Places

10. Any person authorised by the Council may suspend the use of a disabled persons parking place whenever it is considered such suspension is 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 disabled persons parking place or the maintenance, improvement or reconstruction of the disabled persons parking place or the laying, erection, alteration, removal or repair in or adjacent to the disabled persons 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 disabled persons parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - d) for the convenience of occupiers of premises adjacent to the disabled persons parking place at times of weddings or funerals or on other special occasions; or
 - e) for the purpose of facilitating the cleansing of the disabled persons parking place

No Waiting in a Suspended Disabled Persons Parking Place

11. No person shall cause or permit a vehicle to wait in a disabled persons parking place or any part thereof during which such period as the Council has suspended that parking place or part thereof.
12. Nothing in Article 11 shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid dispensation issued by the Council.

Exemptions to the provisions of this Order

13. (1) Nothing in Article 7 of this Order shall apply 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 or a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by the Council.
 - 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 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 disable person parking place;
 - 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;
- (2) The "purposes" referred to in sub-Article (1)(d) of this Article are —
 - a) the maintenance, improvement or reconstruction of a road;
 - b) constructing, improving, maintaining, or cleaning of any street furniture; or
 - c) 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.

Contraventions of this Order

14. (1) Where a person contravenes any of the provisions of this Order, or restrictions specified therein and as shown on the "The On Street plan" and detailed on the key to that plan, the Owner of the vehicle in question shall incur a penalty charge.
- (2) That charge shall be payable to St Albans City and District Council in accordance with the instructions contained on the Penalty Charge Notice.

SCHEDULE

"The On Street Plan"

Plan number DB-01-2022 – as incorporated into this Order by virtue of Article 2 therein.

The Common Seal of
St Albans City and District Council
was hereunto affixed on the 14 July 2022
in the presence of:-

Authorised Signatory

Sally C. Fisher

Authorised Signatory

C. S. I. Z



