

## **NOTICE OF PROPOSAL**

### **HEREFORDSHIRE COUNCIL (HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017**

Notice is hereby given that the County of Herefordshire District Council, known as Herefordshire Council, in exercise of its enabling powers proposes to make the above named order under the Road Traffic Regulation Act 1984.

The effect of the Order will be to formalise the Prohibition of Waiting restrictions in Holmer Road Service Road, Hereford.

A copy of the draft Order, with plan and Statement of Reasons can be viewed on the Council's website at **[www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)** in the Proposed Traffic Regulation Order section. They are also available for inspection during normal office hours at the Council Offices, Plough Lane, Hereford HR4 0LE and at the Hereford Centre, Franklin House, 4 Commercial Road, Hereford, HR1 2BB. Photocopies of the same may be provided on payment of photocopying charges at the Council.

General enquiries relating to the proposal should be referred to the Traffic Management Team at ADL Traffic Engineering 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 Engineering Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA, or by email to [amol@adltraffic.co.uk](mailto:amol@adltraffic.co.uk). The deadline for the receipt of objections is 5.30pm on 7<sup>th</sup> April 2017. Representations of support will also be received during this time. Any representations received by the Council may be imparted to third parties.

Richard Ball  
Assistant Director Environment and Place  
16 March 2017

## HEREFORDSHIRE COUNCIL

### STATEMENT OF REASONS FOR PROPOSING

#### **HEREFORDSHIRE COUNCIL (HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017**

Herefordshire Council is proposing to formalise existing Prohibition of Waiting restrictions in Holmer Road Service Road, Hereford by the process of the above named Traffic Regulation Order.

The proposed Order will have no effect on the already operational parking restrictions as indicated by current road markings and signage. The proposal comprises the formalisation of the prohibition of waiting restrictions in Holmer Road Service Road, between its junctions with Roman Road and Holmer Road. The Order is being proposed for the following reasons:

- To clarify the existing parking restrictions in accordance with current standards and formats, and to comply with current enforcement policy,
- 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,
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians) (*i.e. to maintain access and/or to reduce congestion*),
- For preserving or improving the amenity of the area through which the road runs,

The proposals have been subject to consultation with local Councillors representing the area, the local Police, Ambulance, Fire and Rescue Services and Herefordshire County Council Passenger Transport Unit.

Richard Ball  
Assistant Director Environment and Place

## **ROAD TRAFFIC REGULATION ACT 1984**

### **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017**

The County of Herefordshire District Council (“the Council”) in exercise of its powers under sections 1, 2 and 32 of the Road Traffic Regulation Act 1984 (referred to as “the Act”), 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 of the Act, hereby makes the following Order:

1. This Order shall come into operation on the      day of      2017 and may be cited as The County of Herefordshire District Council (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 2017.

2. (1). In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“Disabled Permit Holders” means a person who has been issued with a valid Disabled Person Badge;

“Disabled Person’s Badge” has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

“Disabled Person’s Vehicle” means a vehicle displaying a valid Disabled Persons Badge and Parking Disc.

“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.

“Light Goods Vehicle” means a motor vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

“Motor Cycle” and “invalid carriage” have the same meaning respectively as in Section 136 of the 1984 Act.

“Owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used.

“Civil Enforcement Officer” means a person appointed in accordance with the provisions of Section 76 Traffic Management Act 2004

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

“Passenger Vehicle” means a motor vehicle (other than a Motor Cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver, and not drawing a trailer.

“Public Service Vehicle” means a motor vehicle, including a tramcar or trolley vehicle, used for carrying passengers for hire or reward which either (1) is carrying passengers at separate fares: or (2) is not carrying passengers for separate fares but is adapted to carry eight or more passengers.

(2). For the purpose of this Order a vehicle shall be regarded as displaying

(a) a Disabled Person’s Badge in the relevant position, when:

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and

(ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.

(b) a Parking Disc in the relevant position, when:

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and

(ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.

3. Save as provided in Articles 12 and 13 of this Order no person shall, except upon the direction or with the permission of a Police Officer or of a Civil Enforcement Officer in uniform, cause or permit any vehicle to wait at Anytime in the lengths of road specified in the Schedule to this Order for identification purposes only has been shown on the attached plan.

### **Power to Suspend Prohibition of Parking and Restriction of Waiting and Residents Parking**

4. Nothing in Articles 3 of this Order:

(a) shall restrict the power of the Council or the police for preventing obstruction of the streets, by order or otherwise on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any Parking Place; or

(b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

### **Use of a Parking Place**

5. A driver of a vehicle shall not use a Parking Place:

(a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons entitled to do so, or so as to be a nuisance:

(b) when for preventing obstruction of the streets the Council shall by order or otherwise made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that Parking Place and exhibited notice of such closing on or near the Parking Place.

6. The Driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place.
7. Unless the prior written consent of the Council is obtained no person shall use a vehicle, while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services.
8. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
9. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 5 of this Order a police constable in uniform or Civil Enforcement Officer in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that Parking Place.
10. Any person moving a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
11. When a police constable or a Civil Enforcement Officer in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 9 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

### **Exemptions**

12. Where referred to in this Order nothing shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the Schedule and Articles of this Order so long as may be necessary for:
  - (a) a person to board or alight from the vehicle;
  - (b) goods to be loaded onto and/or unloaded 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 building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the side of those lengths of road referred to, or the laying, erection, alteration or repair in or near the said sides of those lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
  - (d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties;
  - (e) the vehicle to be used for the purpose of delivering or collecting postal packets.
  - (f) the vehicle to be used for the purpose of removing furniture and effects from one office or dwelling house to another, or to such premises from a depository or

from such premises to a depository, provided notice is given twenty-four hours in advance to the Council, their consent is obtained and such reasonable conditions as they may impose are complied with;

(g) the vehicle to be used for fire brigade, police or ambulance purposes.

13. 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, and a Parking Disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the said sides of those lengths of road referred to in the Schedule to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same sides of length of road on the same day).

### **Miscellaneous**

14. The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

### **Revocations**

15. The provisions of the following Orders hereby revoked;

\*The County of Hereford and Worcester (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 1981.

16. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this xx Day of xxxxxxxx 2017

**THE COMMON SEAL** of the  
**COUNTY OF HEREFORDSHIRE**  
**DISTRICT COUNCIL**  
was hereunto affixed **BY ORDER**

-----Authorised Officer

## SCHEDULE

### PROHIBITION OF WAITING RESTRICTIONS ON HOLMER ROAD SERVICE ROAD

<b>Road.</b>	<b>Side</b>	<b>Description</b>
Holmer Road Service Road	West	From a point in line with the northern kerbline of its junction with Holmer Road north westwards for a distance of approximately 863 metres to a point in line with the northern kerbline of its junction with Roman Road.
Holmer Road Service Road	East	From a point in line with the southern kerbline of its junction with Holmer Road north westwards for a distance of approximately 894m to a point in line with the southern kerbline of its junction with Roman Road

