

EXECUTIVE DECISION RECORD SHEET

Name of decision maker:	Councillor Andrew Williams
Portfolio:	Commercial Strategy & Delivery
Date of Portfolio Holder Decision:	15/12/22

Title of Decision:

To advertise and enact The Borough of Dacorum (Marlowes, Hemel Hempstead) (On Street Charging and Waiting & Loading Restrictions) Order 2022 (Amendment) Order 2022

Decision made and reasons:

- To advertise and enact The Borough of Dacorum (Marlowes, Hemel Hempstead) (On Street Charging and Waiting & Loading Restrictions) Order 2022 (Amendment) Order 2022. Following a review of The Borough of Dacorum (Marlowes, Hemel Hempstead) (On Street Charging and Waiting & Loading Restrictions) Order 2022, a minor error had been discovered within the Article 21 of the above Traffic Regulation Order relating to Marlowes, Hemel Hempstead. It is therefore considered necessary to make the above traffic order in order to correct that error to enforce the newly introduced pay to park bays on Marlowes.
- To delegate the decision to undertake a statutory consultation and implement the restriction, if applicable, to the Head of Commercial Development in consultation with the Portfolio Holder for Commercial Strategy & Delivery.

Reports considered: (here reference can be made to specific documents)

Marlowes Statutory Consultation Report

Officers/Councillors/Ward Councillors/Stakeholders to be Consulted:

Hertfordshire Constabulary Road Policing Strategy Unit
Hertfordshire County Council Traffic Order Manager
Hertfordshire County Council Highways Locality Officer
Hertfordshire County Council Highways Strategy Manager (Dacorum)
Hertfordshire County Council Passenger Transport Unit
Hertfordshire Fire & Rescue Service
East of England Ambulance Service
Hertfordshire County Council Land Charges
Freight Transport Association (FTA)
Road Haulage Association (RHA)
Ward Councillors
Site notices will be erected in the road to inform customers of the consultation
A public notice will be published in The Gazette & Express (local paper) to inform the public of the consultation

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Monitoring Officer Comments:

No comments to add to the report.

S151 Officer Comments:

No further comments to add to the report.

Implications:**Risk:**

The intention of the consultation was to comply with legislation and therefore avoid the risk of non-compliance.

Having considered the Road Traffic Regulation Act 1984, It appears to the local authority that it is necessary and expedient to make an Order in the interests of:

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

Value for Money:

The charge will be £450+VAT (consultancy fee) and approx. £2K (advertising) both from the 2022/23 budget.

Options Considered and reasons for rejection:

Option considered and rejected, not to amend the 2022 Order which would make the pay to park bays unenforceable.

Portfolio Holders Signature:**Date:****Details of any interests declared and any dispensations given by the Standards Committee:****For Member Support Officer use only**

Date Decision Record Sheet received from portfolio holder: 14/12/22

Date Decision Published: 15/12/22

Decision No: PH-036-22

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Date of Expiry of Call-In Period: 22/12/22

Date any Call-In received or decision implemented:

BACKGROUND

Following the Notice of Making relating to The Borough of Dacorum (Marlowes, Hemel Hempstead) (On Street Charging and Waiting & Loading Restrictions) Order 2022 a minor error was discovered by the Principal TRO Officer – TRO Services At Hertfordshire County Council pertaining to Article 21 of the above order as it relates to the 2007 legislation which has been revoked by the current 2022 legislation introduced on 31 May 2022.

As such, we will need to replace current references to the regulations as shown in Column 1 in the table below, to be replaced as shown in Column 2:

(1) Existing regulations:	(2) To be replaced with:
The Civil Enforcement of Parking Contraventions (England) General Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007	Any such reference must remain unchanged

Please note, we consulted on the 2007 legislation which was correct at the time of the formal consultation. However, the order was made after 31 May 2022 and therefore the current legislation must have been used.

The error has led to the suspension of enforcement of the pay to park bays in the northern half of Marlowes.