

PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT

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| DATE | 14 June 2021 |
| REPORT OF | Councillor Stewart Swinburn, Portfolio Holder Environment & Transport |
| RESPONSIBLE OFFICER | Sharon Wroot, Executive Director for Environment, Economy and Resources |
| SUBJECT | NELC On-Street Waiting and Parking Consolidation Order |
| STATUS | Open |
| FORWARD PLAN REF NO. | PHET 06/21/04 |

CONTRIBUTION TO OUR AIMS

The consolidation of existing Traffic Regulation Orders (TROs) relating to 'Prohibition and Restriction of Waiting, Prohibition and Restriction of Loading, Restricted Parking Zones, Clearways, Parking Places, Verge and Footway Parking and Loading Bays' in North East Lincolnshire into one single Order will improve the future efficiency of the enforcement and administration of these restrictions.

EXECUTIVE SUMMARY

Best practice guidance on the management and enforcement of Traffic Regulation Orders recommends that highway authorities should routinely consolidate on-street Orders relating to 'Prohibition and Restriction of Waiting, Prohibition and Restriction of Loading, Restricted Parking Zones, Clearways, Parking Places, Verge and Footway Parking and Loading Bays'. This ensures that they are legal, correct and may be effectively enforced.

This report seeks approval to make such an Order.

RECOMMENDATIONS

It is recommended that:

- a) Approval is granted for the making of an Order which consolidates all existing on-street parking restrictions relating to 'Prohibition and Restriction of Waiting, Prohibition and Restriction of Loading, Restricted Parking Zones, Clearways, Parking Places, Verge and Footway Parking and Loading Bays'.

REASONS FOR DECISION

To improve the efficiency of the enforcement and administration of regulations relating to waiting, loading, stopping and parking places in North East Lincolnshire

1. BACKGROUND AND ISSUES

- 1.1 Best practice guidance on the management and enforcement of Traffic Regulation Orders recommends that highway authorities should routinely consolidate orders relating to 'Prohibition and Restriction of Waiting, Prohibition and Restriction of Loading, Restricted Parking Zones, Clearways, Parking Places, Verge and Footway Parking and Loading Bays'. This ensures that they

are legal, correct and can be effectively enforced.

- 1.2 “Consolidation order” means an order which—
 - (i) revokes provisions of one or more existing orders;
 - (ii) re-enacts those provisions without any change of substance and;
 - (iii) has no other effect.
- 1.3 The last Consolidation Order for North East Lincolnshire was made in July 2010.
- 1.4 A comprehensive review of the 2010 Consolidation Order was started in 2016. Prior to this review, 21 amendments to the Consolidation Order had been introduced.
- 1.5 The review identified a small number of anomalies within the Order, however in order to progress with the implementation of necessary restrictions whilst these anomalies were being addressed, 46 standalone Orders have since been implemented, relating to ‘Prohibition and Restriction of Waiting, Prohibition and Restriction of Loading, Restricted Parking Zones, Clearways, Parking Places, Verge and Footway Parking and Loading Bays’.
- 1.6 The Consolidation Order has been drafted working in conjunction with NELC Legal Services. Traffic Orders introduced since the 2010 Consolidation Order are summarised in Appendix A and form part of the new Consolidation Order.
- 1.7 The making of a Consolidation Order does not allow changes to existing Traffic Regulation Orders to be made. The Local Authorities’ Traffic Orders (Procedure) Regulations 1996, states a Consolidation Orders be made under an expedited process, and removes the requirement to consult when making the order.
- 1.8 There is a requirement to publish notification of the made Order in the local newspaper within 14 days of sealing the Order. Documents which support the Consolidation Order will be stored in a location accessible to members of the public. There is no opportunity for persons to submit representations.

2. RISKS AND OPPORTUNITIES

2.1 Should these proposals be adopted, the opportunities are:

- The making of a new Consolidation Order provides an opportunity to review the format of the existing Consolidation Order document to reflect:
 - national guidance and best practice on Traffic Regulation Order management and enforcement, and,
 - the operational procedures adopted to enforce waiting, loading, stopping and parking in North East Lincolnshire.
- All amendments introduced to the 2010 Consolidation Order as well as subsequent standalone Orders will be incorporated into a new Consolidation Order for 2021, and this will be the single reference point for future revocations, amendments and newly introduced (parking related) restrictions.
- The process for introducing future amendments to restrictions of the types

listed in this report will be streamlined and more efficient on time and resource.

- It will provide one, central, uniform directory which serves as a legal basis for the authorities traffic management responsibilities.
- Provide improvements to the future efficiency of Civil Parking Enforcement.
- Maintain the social, economic and environmental well-being of the borough.

2.2 Should these proposals be adopted, the risks are:

- The overall document size will be particularly large. All efforts will be made to make the document available to view online however, if this is not possible a paper copy will be made available for inspection at a public office.
- There are limitations on the functions of a Consolidation Order in that they do not allow for any substantive change. Any deficiencies within the old Consolidation Order or subsequent standalone Orders cannot be rectified under a new Consolidation Order.

2.3 Should these proposals not be implemented, the risks are:

- Failure to regularly consolidate increases the likelihood of disparity between Orders.
- Having various different formats of Order can lead to difficulties in identifying which Order is current, both for enforcement purposes but also for future revocation or amendment.

3. OTHER OPTIONS CONSIDERED

- 3.1 **Do not consolidate** – A decision to not approve the creation of a new Consolidation Order could be taken however, whilst not a statutory requirement, this would not be in accordance with best practice regarding the routine consolidation of Orders. Although current Orders would continue to be legal for their respective provisions this option is not resource or time effective with regard to the administration of current and future TRO's

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 Various exemptions exist for specific regulations within the Consolidation Order, these remain unchanged from their parent Orders, such as for the purpose of boarding & alighting, loading & unloading and those afforded to Blue Badge Holders (disabled persons) to park on 'No Waiting' restrictions for up to three hours.
- 4.2 The proposals are largely an administrative and document management exercise. It is therefore expected there will be little potential for negative reputational implications for the Council resulting from the decision.
- 4.3 The public are already accustomed to the provisions of the new Consolidation Order as the restrictions are already in operation and have been introduced previously in accordance with the legislative Traffic Regulation Order making process, which includes consultation and opportunity for objection.

5. FINANCIAL CONSIDERATIONS

The recommendation does not require any capital expenditure. Any costs associated with the advertisement of public notices required to support the Consolidation Order are covered through the Council's Regeneration Partnership arrangement with ENGIE.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The proposals will continue to mitigate of some of the adverse environmental impacts of traffic, in respect of noise and exhaust emissions. By retaining the provisions of existing restrictions in their current form, under one overarching document, will ensure the benefits they provide to help reduce traffic delays and congestion will be maintained.

7. CONSULTATION WITH SCRUTINY

There has been no consultation with Scrutiny in relation to this matter.

8. FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report, as costs incurred are covered via the Engie contract.

9. LEGAL IMPLICATIONS

- 9.1 Under Road Traffic Regulation Act 1984 traffic authorities are empowered to make Consolidation Orders for (inter alia) the reasons set out at the beginning of this report.
- 9.2 The procedure for making TROs is set out in Schedule 9 Part III of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and provided the order makes no changes of substance consultation does not need to take place before the Order is made.
- 9.3 If it is decided to make the Order it can only be challenged by Judicial Review in the Administrative Court.

10. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications contained within this report.

11. WARD IMPLICATIONS

The proposal relates to all wards of North East Lincolnshire.

12. BACKGROUND PAPERS

Local Authorities' Traffic Orders (Procedure) (England and Wales)
Regulations 1996
<http://www.legislation.gov.uk/ukxi/1996/2489/made>

13. CONTACT OFFICER(S)

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COUNCILLOR STEWART SWINBURN
PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT

APPENDIX A

The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010 (as amended).

The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge) (Immingham) (No.14-33A) Order 2014

The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge) (Waltham) (No.14-33C) Order 2014

The Borough of North East Lincolnshire (Prohibition and Restriction of No Stopping, Taxi Ranks) (Sea Road, Cleethorpes) (No. 16-02) Order 2016.

The North East Lincolnshire Borough Council (Prohibition of Waiting and Restriction of 20mph Speed Limits) (Chichester Road) (No. 16-05) Order 2016

The North East Lincolnshire Borough Council (20mph Speed Limits) (No Stopping Monday to Friday 8am-9am and 3pm-4pm on entrance markings) (Great Coates School, Cromwell Road) (No.16-14A) Order 2016

The Borough of North East Lincolnshire (Prohibition and Restriction of Stopping and Waiting) (Pinewood Crescent, Grimsby) (No. 16-17) Order 2016

The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Restricted Parking Zone and Revocation) (Various Streets, Grimsby) (No. 17-04) Order 2017

The Borough of North East Lincolnshire (24 Hour Clearway) (A1173) (No.17-07) Order 2017

The North East Lincolnshire Council (Prohibition of Waiting and Loading) (Constitutional Avenue & Imperial Avenue, Cleethorpes) (No.17-08) Order 2017

The Borough of North East Lincolnshire Council (Introduction of Coaches Only Match Day Parking, Authorised Vehicles Only Parking and the Prohibition of Waiting and Loading Restrictions) (Harrington Street and Tiverton Street, Cleethorpes) (No. 17-10) Order 2017

The Borough of North East Lincolnshire Council (Permit Holders Only Parking Zone) (Elm Road and Elm Avenue, Cleethorpes) (No. 17-11) Order 2017

The Borough of North East Lincolnshire Council (Permit Holders Only Parking Zone) (Glebe Road, Cleethorpes) (No. 17-12) Order 2017

The Borough of North East Lincolnshire Council (No Waiting and Loading at Any Time) (Glebe Road, Cleethorpes) (No. 17-12A) Order 2017

The Borough of North East Lincolnshire Council (Introduction of Prohibition of Waiting Restrictions and Limited Waiting Parking Places) (Birchin Way, Grimsby) (No. 17-13) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting, and Loading Bay Area) (Cartergate, Grimsby) (No. 17-14) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting Restrictions) (Claymore Close, Cleethorpes) (No. 17-15) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting Restrictions) (Caistor Road, Laceby) (No. 17-16) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting by Goods Vehicles) (Kings Road and Queens Road, Immingham) (No. 17-18) Order 2018

The Borough of North East Lincolnshire Council (Prohibition of Waiting Restrictions) (Wellowgate, Grimsby) (No. 17-20) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting Restrictions) (North Street, Cleethorpes) (No. 17-21) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting Restrictions) (Coronation Road, Whites Road, Queens Parade and Nicholson Street) (Cleethorpes) (No. 17-22) Order 2017

The Borough of North East Lincolnshire Council (Campden Crescent, Cleethorpes) (No. 17-28) Order 2017

The Borough of North East Lincolnshire Council (Prohibition of Waiting and Loading Restrictions) (Worsley Road, Immingham) (No. 17-47) Order 2017

The Borough of North East Lincolnshire Council (Permit Holder Only Parking Zone) (College Street, Cleethorpes) (No. 17-48) Order 2017

The Borough of North East Lincolnshire Council (Permit Holders Only Parking Zone) (Somersby Street and Fildes Street, Grimsby) (No. 17-50) Order 2017

The Borough of North East Lincolnshire Council (Prohibition and Restriction of Waiting, Taxi Rank Clearways and On Street Parking) (Cleethorpes Regeneration) (18-03A) Order 2019

The Borough of North East Lincolnshire Council (Prohibition and Restriction of Waiting, Loading and On Street Parking)(Cleethorpes Regeneration)(18-03D) Order 2019

The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Bargate Avenue & Welholme Avenue) (No. 18-05) Order 2019

The North East Lincolnshire Borough Council (Shared Use Bay - Taxi Rank Clearway and Loading Bay) (Market Street, Cleethorpes) (No.19-22) Order 2019

The North East Lincolnshire Borough Council (School Parking Restrictions) (Various Locations) (No. 18-11) Order 2019

The North East Lincolnshire Borough Council (School Parking Restrictions) (Various Locations) (No. 18-11B) Order 2019

The North East Lincolnshire Borough Council (Prohibition of Waiting) (Station Road & Clarkson Drive, Stallingborough) (No. 18-14) Order 2019

The North East Lincolnshire Borough Council (Abbey Area Residents Parking Scheme) (No.18-22) Order 2019.

The North East Lincolnshire Borough Council (Prohibition of Waiting) (Estate Road One, Moody Lane, Woad Lane)(No.19-19) Order 2019

The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verge or Footway) (Healing) (No.19-24-01) Order 2019

The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verge or Footway) (Barnoldby Le Beck) (No.19-24-02) Order 2019

The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verge or Footway) (New Waltham) (No.19-24-03) Order 2019

The North East Lincolnshire Borough Council (School Parking Restrictions) (Various Locations) (No. 18-11A) Order 2019

The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verge or Footway) (Humberston) (No.19-24-04) Order 2019

The Borough of North East Lincolnshire Council (Prohibition and Restriction of Waiting, Loading & Unloading and On Street Parking) (Alexandra Road, Cleethorpes)(18-03F) Order 2020

The North East Lincolnshire Borough Council (Energy Park Way) (Clearway) (No. 19-20B) Order 2020

The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Freeman Street, Grimsby) (No.20-13) Order 2020

The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Peaks Lane, Grimsby) (No.19-09A) Order 2021

The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Marklew Avenue, Grimsby) (No. 19-07) Order 2021

The North East Lincolnshire Borough Council (Bus Lane Revocation & Introduction of Prohibition of Waiting and Loading Restrictions) (Scarcho Road, Grimsby) (No. 19-05B) Order 2021

The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Various Streets) (No. 20-03) Order 2021

