

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



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

North East Lincolnshire Council, hereinafter referred to as "the Council", in exercise of powers conferred upon it under Sections 1, 2, and 4, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referenced to as 'the Act 1984'), and of all other enabling powers, hereby make the following Order

**1** Recitals

- 1.1 The Council in making this order is seeking to facilitate the passage of Emergency Services Vehicles along the Restricted Roads during match days, to mitigate the risk highlighted to it by the emergency services.

**2** Title

- 2.1 This Order shall come into operation on the ~~18<sup>th</sup>~~ <sup>4<sup>th</sup></sup> day of ~~August~~ <sup>September</sup>, 2017 and may be cited as The Borough of North East Lincolnshire (Prohibition of Waiting and Loading) (Constitutional Avenue and Imperial Avenue) (No. 17-08) Order 2017.

**3** Terms and Definitions

In this Order all expressions, except as otherwise herein provided, shall have the meanings assigned to them by the Act of 1984:-

**"2004 Act"** means the Traffic Management Act 2004;

**"TSRGD2016"** means the Traffic Signs Regulations and General Directions 2016, as amended;

**"A Person Authorised By The Council"** means a person employed in accordance with Section 76 of The Act of 2004 to carry out the functions therein;

**"Civil Enforcement Officer"** means a person employed by, or on behalf of, the Council under the provisions of Part 6 of the 2004 Act and in accordance with Section 76 of the 2004 Act authorised to supervise and enforce the restrictions imposed by this Order and to carry out the functions therein;

**"Council"** means North East Lincolnshire Borough Council and includes any parking services contractors or authorised agents appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

**"Delivering"** or **"Delivery"** or **"Collection"** means a continuous activity during which Goods or Merchandise are Loaded or Unloaded from a vehicle to adjacent premises or nearby premises including a reasonable time for the checking of those Goods or Merchandise for the purpose of their Delivery or Collection;

**"Driver"** in relation to the vehicle left, Waiting or Parked in a restricted area or Parking Place respectively, means the person driving the vehicle at the time it was left, Waiting or Parked in the prohibited or restricted parking area or Parking Place or the person deemed to be the Driver by a Police Officer in uniform or a Civil Enforcement Officer in uniform acting under the terms of this Order;

**"Emergency"** means a situation that poses an imminent risk to health, life, property or environment which requires immediate intervention.

**"Emergency Service Vehicle"** has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989.

**"Goods"** and **"Merchandise"** means Goods of any kind whether animate or inanimate and includes Postal Packets of any kind that require transportation by a vehicle;

**"Loading"** and **"Unloading"** means a continuous activity during which Goods or Merchandise are placed in or taken from a vehicle that is Parked or Waiting at premises or adjacent to premises or nearby premises for the purpose of Delivery or Collection of those Goods or Merchandise provided that the Loading, Unloading, Delivery and/or Collection activities are completed in a time deemed reasonable by a Police Officer in uniform, Civil Enforcement Officer in uniform or A Person Authorised by the Council. Where no signs of Loading or Unloading activity are observed over the Observation Period it will be deemed that Loading or Unloading is not taking place;

**"Match Day"** means any day the Grimsby Town Football Club play at Blundell Park. This shall include but is not limited to those games included in the publicised fixtures list, and otherwise advertised by the club.

**"Observation Period"** means a period of time during which a Police Officer in uniform, Civil Enforcement Officer in uniform or A Person Authorised by the Council undertakes observations pursuant to the Council's parking enforcement policy;

**"Parking Place"** or **"Parking Bay"** means an area of carriageway which is provided for the leaving of a vehicle of a class specified and indicated by road markings and Traffic Signs as required in TSRGD2016;

**"Postal Packet(s)"** has the same meaning as in Section 87 of the Post Office Act 1953;

**"Restricted Hours"** means in relation to any restricted road the hours during which Waiting is restricted or specific activities are restricted as specified in Article 5.1 to this Order;

**"Restricted Road"** means any of the sides or lengths of roads specified in the Schedules to this Order where waiting is restricted or specific activities are restricted during the Restricted Hours provided that the expression "restricted road" shall not include any Parking Place;

**"Statutory Undertaker(s)"** has the same meaning as in Section 329 of the Highways Act 1980;

**"The Plans"** means the plans attached to this Order indicating the extents of parking restrictions (if any) which are held at the Offices of the Borough of North East Lincolnshire Council;

**"Traffic Sign"** means a sign or road marking of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, TSRGD2016;

**"Wait"** and **"Waiting"** refer to the stopping of a vehicle and it remaining at rest for some time whether or not the Driver is still in the vehicle other than for the purposes of Delivering, Delivery or Collection of Goods; and a vehicle shall be deemed to be Waiting for any period in the same or Restricted Road, Parking Place or Parking Bay (as the case may be) if any part of it is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period;

#### **4** **Revocation**

- 4.1 Part of the order referred to in Schedule 1 shall be revoked to the extent described in Schedule 1 from the date that this Order comes into operation.

**5 Prohibition of Waiting and Loading**

5.1 Save as provided in Article 5.2 no person shall permit any vehicle on Match Days to Wait or Load between the hours of 10am and 11pm as specified on the Restricted Roads in Schedule 2 as per the Plans to this Order

**5.2 Emergencies**

Nothing in Article 5.1 shall render it unlawful to cause or permit any vehicle to wait or park in any of the prohibited or Restricted Roads, lengths of road or on the sides of road or loading areas specified in the Schedules and on the Plans for so long as may be necessary to enable the vehicle to be used in an Emergency for fire and rescue, ambulance or police purposes, or in connection with emergency works undertaken by Statutory Undertakers.

**6 Miscellaneous**

6.1 Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to the Schedules or Plans is a reference to the Schedules or Plans incorporated into this Order.

6.2 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.

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

6.4 The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other enactment.

6.5 If a court, the Department of Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

**SCHEDULE 1**

**Traffic Regulation Orders – Revocation**

<b><u>Order to be Revoked</u></b>	<b><u>Extent of Revocation</u></b>
The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010 in part	The full extent of the 'No Waiting, loading or unloading 8.00am – 11.00pm any day' restriction on Imperial Avenue and Constitutional Avenue, Cleethorpes

SCHEDULE 2

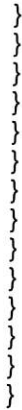
"No Waiting or Loading on Match Days between 10am and 11pm"

<u>STREET</u>	<u>SIDE</u>	<u>LENGTHS OF ROAD</u>
Constitutional Avenue	North-west	From a point 13.7 metres north-eastern kerbline of Grimsby Road to the north-eastern extremity of Constitutional Avenue
Imperial Avenue	South-east	From a point 15 metres north-east of the north-eastern kerbline of Grimsby Road to the north-eastern extremity of Imperial Avenue

**THE COMMON SEAL OF THE  
NORTH EAST LINCOLNSHIRE  
BOROUGH COUNCIL**

was hereunto affixed this

18<sup>th</sup> Day of  
August 2017



18<sup>th</sup>  
August

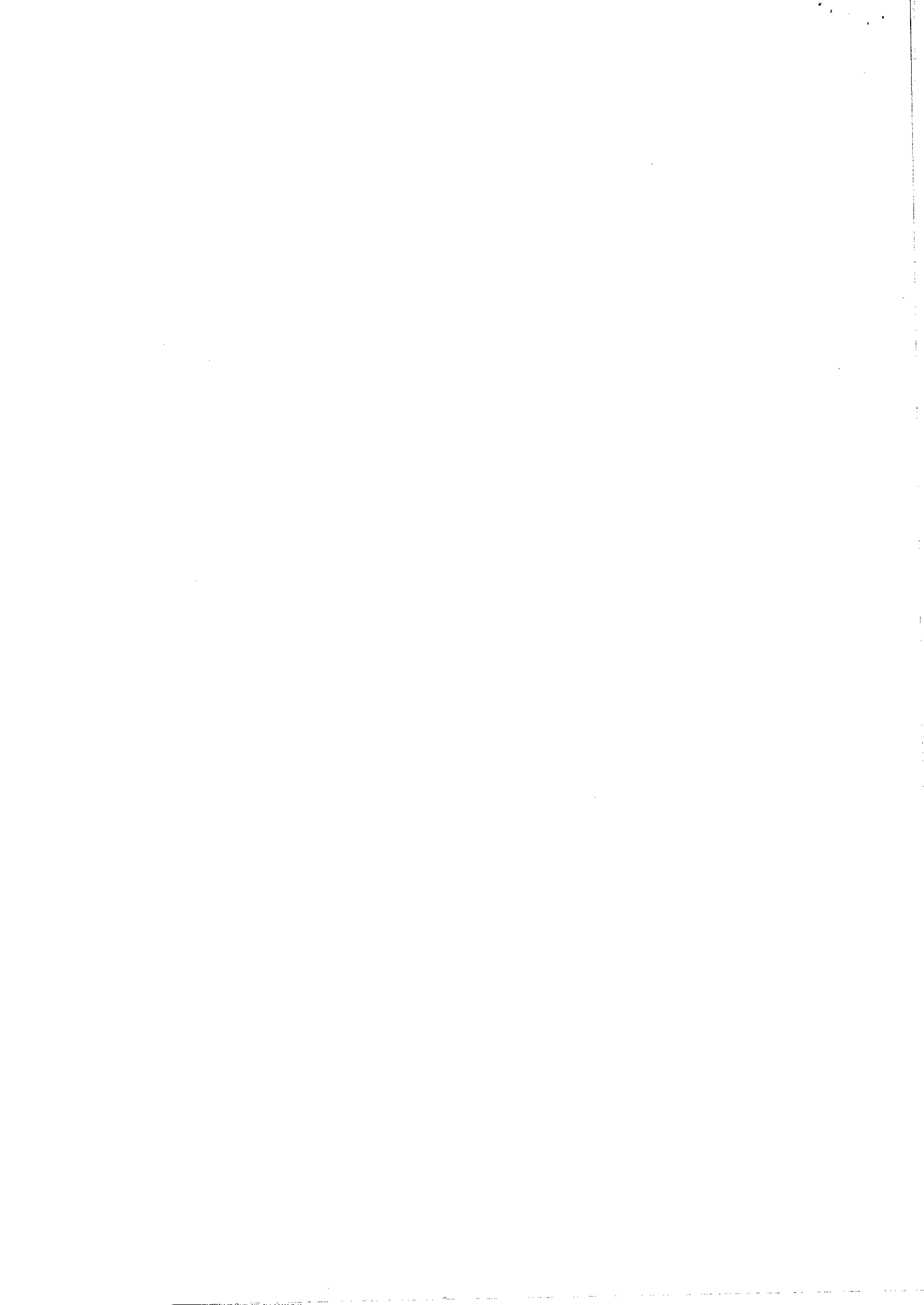


7123

In the presence of

Authorised Officer

A handwritten signature in black ink, appearing to be 'J. H. H.' or similar.





**Key**

- Proposed No Waiting or Loading Match Days 10am-11pm
- Existing No Waiting at any time - double yellow lines to be retained
- Proposed Sign S01 - No Waiting or Loading Match Days 10am-11pm
- Existing No waiting at any time except taxi bay to be retained

**Letter**

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**North East Lincolnshire Council**

Scale Check (Millimetres), Do Not Scale from this drawing.

<b>PROJECT</b>		Grimsby Town Football Club	
<b>TITLE</b>		Proposed Amendment to existing Prohibition of waiting and loading on Match Days restriction	
<b>DRAWN</b>	AB	<b>APPROVED</b>	NH
<b>FILE REF.</b>	A3	<b>DATE</b>	14.07.17
<b>ORIGINAL SIZE</b>	A3 (297 x 420)	<b>SCALE</b>	GTFC Plan
		<b>DRAWING NO.</b>	TR-17-08-GTFC

