

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The Borough of North East Lincolnshire Council
(No Waiting and Loading at Any Time)
(Glebe Road, Cleethorpes)
(No. 17-12A) 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 of the Road Traffic Regulation Act 1984 (hereinafter referred to as 'the Act of 1984') as amended, and of all other enabling powers, hereby make the following Order.

PART 1 - GENERAL

1 Commencement and Citation

- 1.1 This Order shall come into operation on the 30 day of April, 2018 and may be cited as The Borough of North East Lincolnshire Council (No Waiting and Loading at Any Time) (Glebe Road, Cleethorpes) (No. 17-12A) Order 2017.

2 Definitions within this Order

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"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;

"THE ACT OF 1984" means The Road Traffic Regulation Act 1984;

"THE ACT OF 2004" means the Traffic Management Act 2004;

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

"ARTICLE" means the Article of this Order unless otherwise stated and includes reference to any paragraph to that Article referred to by number or letter;

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

"COUNCIL" means The Borough of North East Lincolnshire 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;

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

"EMERGENCY VEHICLE" has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989.

"ENACTMENT" means any enactment, whether public, general or local, and includes any order, bylaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"FEE" in relation to parking Permits and Waivers means a non-refundable charge levied by the Council for undertaking the administration work associated with parking Permits or Waivers;

"FUNERAL AND WEDDING VEHICLES" means those vehicles attending funerals or weddings to which Penalty Charge Notices will not be issued pursuant to the Council's Civil Parking Enforcement Procedures 2010 as it relates to Funerals and Weddings;

“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;

“PENALTY CHARGE” means a Penalty Charge relating to a parking contravention and payable in accordance with Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“PENALTY CHARGE NOTICE” has a meaning given by Regulation 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“THE PLANS” means The Plans attached to this Order including keys and schedules 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;

“STATUTORY UNDERTAKER(S)” has the same meaning as in Section 329 of the Highways Act 1980;

“TELECOMMUNICATION SYSTEM” has the same meaning as in the Telecommunications Act 1984;

“TRAILER” has the same meaning as that in Section 136 of the Act of 1984;

“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 and a vehicle shall be deemed to be Waiting for any period in the same Permit Holders Only Parking Zone 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;

- 2.2 For the purpose of this Order unless otherwise specified all references to any documents including Statutory Instruments, Regulations and policies and procedures of the Council relate to the current version of those documents as amended or substituted from time to time.
- 2.3 For the purpose of this Order the prohibitions and restrictions contained in the Articles to this Order and shown on the attached Plans shall apply to the full extent of the public highway.
- 2.4 For the purpose of this Order a vehicle shall be taken as waiting on a length of road if any point on that length of road is below the vehicle or its load (if any).
- 2.5 The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under The Act of 1984, or by or under any other enactment.
- 2.6 For the purposes of this Order, North East Lincolnshire Council accepts no responsibility for any inaccuracies contained in the Ordnance Survey data relied upon

in the preparation of The Plans attached to this Order. Where a restriction applies to the edge of a length of carriageway or highway (adjacent to the kerb) that restriction will continue to apply to the actual edge of carriageway or highway irrespective of changes to either the carriageway width or to the underlying Ordnance Survey data.

- 2.7 If a Court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

PART 2 – EXEMPTIONS WITHIN THIS ORDER

3 Exemptions

- 3.1 Nothing in Articles 4.1 and 4.2 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of roads or on the sides of road identified in the Schedules and Plans attached to this Order for so long as it may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road and close proximity to the site is essential, to be used for the purpose of any Emergency building operation, demolition or excavation, or the maintenance or improvement or reconstruction of the said lengths or sides of road or any works connected with any Statutory Undertaker's apparatus for the supply of gas, water or electricity or of any Telecommunications System.
- 3.2 Nothing in Articles 4.1 and 4.2 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of roads or on the sides of road identified in the Schedules and Plans attached to this Order for so long as it may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority in pursuance of statutory powers or duties.
- 3.3 Nothing in Articles 4.1 and 4.2 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of roads or on the sides of road identified in the Schedules and Plans attached to this Order for so long as it may be necessary to enable an Emergency Vehicle to be used in the course of an Emergency.
- 3.4 Nothing in Articles 4.1 and 4.2 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of roads or on the sides of road identified in the Schedules and Plans attached to this Order for so long as it may be necessary to enable the vehicle to be used in any case where the person in control of the vehicle:
- a) is required by law to stop or Wait or is permitted to stop or Wait by a Police Officer in uniform or Civil Enforcement Officer in uniform;
 - b) is obliged to stop so as to prevent an accident; or
 - c) is prevented from proceeding by circumstances outside their control.
- 3.5 Nothing in Articles 4.1 and 4.2 to this Order shall apply to Funeral and Wedding Vehicles at a funeral or wedding.

PART 3 - GENERAL PROVISIONS RELATING TO PROHIBITION OF WAITING AND LOADING RESTRICTIONS

- 4.1 Save as provided in Articles 3.1, 3.2, 3.3, 3.4, and 3.5 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer in uniform cause or permit any vehicle (and/or drawn Trailer) to Wait on the lengths of roads identified as No Waiting in Schedule 1 and on The Plans attached to this Order.
- 4.2 Save as provided in Articles 3.1, 3.2, 3.3, 3.4, and 3.5 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer in uniform cause or permit any vehicle (and/or drawn Trailer) to Load or Unload in the roads identified as No Loading in Schedule 2 and on The Plans attached to this Order.

PART 3 – MISCELLANEOUS

- 5.1 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.

PART 4 – CONTRAVENTION AND PENALTY CHARGE

CONTRAVENTION AND PENALTY CHARGE NOTICES

- 6.1 Where a vehicle has been left in contravention of the restrictions imposed by this Order, a Penalty Charge shall be incurred, the amount of which will be set by North East Lincolnshire Borough Council under the provisions of The Act of 2004 relating to the Civil Enforcement Areas and Special Enforcement Areas.
- 6.2 Where a Penalty Charge is payable, a Penalty Charge Notice shall be issued by a Civil Enforcement Officer in accordance with The Act of 2004.

MANNER OF PAYMENT OF PENALTY CHARGE NOTICE

- 6.3 The Penalty Charge shall be paid within 28 days payable to North East Lincolnshire Borough Council under the terms referred to in the said Notice.

RESTRICTION ON REMOVAL OF PENALTY CHARGE NOTICE

- 6.4 Where a notice has been attached to a vehicle in accordance with the provisions of The Act of 2004, no person not being the Driver of the vehicle or duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the Driver.

SCHEDULE 1

"NO WAITING AT ANY TIME"

<u>STREET</u>	<u>SIDE</u>	<u>LENGTHS OF ROAD</u>
Glebe Road	East	From a point 5m southeast of the southern kerbline of Bowling Lane, south-eastwards for a distance of 6m.
Glebe Road	West	From a point 5m southeast of the southern kerbline of Bowling Lane, south-eastwards for a distance of 8m.

SCHEDULE 2

"NO LOADING AT ANY TIME"

<u>STREET</u>	<u>SIDE</u>	<u>LENGTHS OF ROAD</u>
Bowling Lane	South	From a point 11m north east of the eastern kerbline of Glebe Road, south-westwards to a point 2m west of the western kerbline of Glebe Road.
Glebe Road	East	From the southern kerbline of Bowling Lane south-eastwards for a distance of 11m.
Glebe Road	West	From the southern kerbline of Bowling Lane south-eastwards for a distance of 13m.

THE COMMON SEAL OF THE
NORTH EAST
LINCOLNSHIRE BOROUGH
COUNCIL

was hereunto affixed this

5 Day of
April 2018

In the presence of

Authorised Officer




7925


EVE RICHARDSON-SMITH



PROJECT		Traffic Regulation Orders	
TITLE		Prohibition of Waiting and Loading Glebe Road, Cleethorpes	
DRAWN	APPROVED	FILE NAME	
AB		DATE	03.04.2018
ORIGINAL SIZE	SCALE		1:1000
A3 (297 x 420)			
		DRAWING No.	
		TR-17-12A	



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NORTH EAST LINCOLNSHIRE COUNCIL
www.nelincs.gov.uk

CLIENT: NORTH EAST LINCOLNSHIRE COUNCIL

Letter	Amendment	Drawn	Date

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

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