

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The Borough of North East Lincolnshire
(Experimental Prohibition of Waiting) (Station
Road & Clarkson Drive, Stallingborough) (No.
17-43)
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 9, 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 **Title**

- 1.1 This Order shall come into operation on the 4th day of ~~September~~ 2017 and may be cited as The Borough of North East Lincolnshire (Experimental Prohibition of Waiting) (Station Road & Clarkson Drive, Stallingborough) (No. 17-43) Order 2017.
- 1.2 The Order shall remain in force for a period not exceeding eighteen months from the above date.

2 **Definitions**

- 2.1 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;

"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

"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 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;

"DISABLED PERSON'S BADGE" has the same meaning as defined in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"DISABLED PERSON'S PARKING DISC" has the same meaning as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

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

"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;

"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;

"GOODS VEHICLE" has the same meaning as that defined in Schedule 1 of TSRGD2016.

"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;

"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;

"OWNER" or **"REGISTERED KEEPER"** in relation to a vehicle, means a person by whom such vehicle is kept and used. In determining who was the Owner on the date on which the vehicle was Parked or Waiting it shall be presumed that the Owner is the person recorded as the Registered Keeper by the Driver and Vehicle Licensing Agency and or named in the vehicle registration document as the Registered Keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the Registered Keeper thereof;

"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 indicating the extents of parking restrictions (if any) which are held at the Offices of the Borough of North East Lincolnshire Council;

"POSTAL PACKET(S)" has the same meaning as in Section 87 of the Post Office Act 1953;

"RELEVANT POSITION" in respect of a Disabled Person's Badge means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the nearside of and immediately behind the windscreen or where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the Permit is clearly legible from the outside of the vehicle;

"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;

"SECURITY VEHICLE" means a vehicle designed or adapted for or in use for the conveyance of bullion, monies and currency and other securities;

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

"TRAFFIC REGULATION ORDER", "ORDER" or "TRO" have the same meaning respectively, that being an Order made under Section 1 of the Act 1984;

"UNIVERSAL SERVICE PROVIDER" and "UNIVERSAL POSTAL SERVICE" shall bear the same meanings as in the Postal Services Act 2000;

"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 Prohibited Road 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;

- 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 and Schedules 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 unenforceable, such declaration shall not invalidate the remainder of the Order.

3 Exemptions

- 3.1 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in the Schedules to this Traffic Regulation Order, for so long as it may be necessary to enable a person to board or alight from the vehicle.
- 3.2 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this Traffic Regulation Order for so long as it may be necessary to enable the Delivery or Collection of Goods including where Goods are Loaded onto or Unloaded from the vehicle provided that Loading or Unloading is carried out in one continuous operation.
- 3.3 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this TRO 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.
- 3.4 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this TRO 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.
- 3.5 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this Order for so long as it may be necessary to enable the vehicle of a Universal Service Provider (to Wait whilst Postal Packets addressed to premises adjacent to that road are being Unloaded from the vehicle or having Unloaded therefrom are being delivered or while Postal Packets are being collected from premises or posting boxes adjacent to that road, provided that the vehicle cannot reasonably be used for such purpose in any other road and for as long as may be necessary in conjunction with these purposes.
- 3.6 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules 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.

- 3.7 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules 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.
- 3.8 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this Order for so long as it may be necessary to enable the vehicle to be Loaded or Unloaded whilst it is in actual use in connection with the removal of 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 notwithstanding anything contained in Article 3.2 above as to Waiting in the roads or sides of the roads identified and for the periods identified on The Plans and Schedules attached to this Order.
- 3.9 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road identified in The Plans and Schedules attached to this Order for so long as it may be necessary to enable a Security Vehicle to be used in the course of Delivering or collecting cash to/from properties in any of the lengths of road identified on The Plans and Schedules attached to this Order and being a vehicle specifically designed for that purpose.
- 3.10 Nothing in Article 4.1 to this Order shall apply to Funeral and Wedding Vehicles at a funeral or wedding.
- 3.11 Nothing in Article 4.1 of this Order shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Person's Badge and a Disabled Person's 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 any of the lengths of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of Waiting by the same vehicle in the same length of road).
- 3.12 Nothing in Article 4.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to Wait in any lengths of road referred to in that Article so long as may be necessary to enable the vehicle if it cannot be used for such purpose without Waiting on that length of road to be used in connection with the removal of any item in the highway where such moving may be reasonably necessary for the purpose of preventing obstruction.

4 General Provisions relating to Prohibition of Waiting restrictions

- 4.1 Save as provided in Articles 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, and 3.12 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 roads or sides of the roads subject to restrictions identified as No Waiting for the periods identified on The Plans and Schedules attached to this Order.

5 Contravention and Penalty Charge

CONTRAVENTION AND PENALTY CHARGE NOTICES

- 5.1 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.
- 5.2 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

- 5.3 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

- 5.4 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>
Clarkson Drive, Stallingborough	Both	From the North Western kerbline of Station Road to a point 20m North West of the North Western kerbline of Station Road
Station Road, Stallingborough	North West	From a point 18m North East of the North Eastern kerbline of Clarkson Drive to a point 18m South West of the South Western kerbline of Clarkson Drive.

SCHEDULE 2

“No Waiting 8.00am – 9.00am and 3.00pm – 4.00pm Monday to Friday”

<u>STREET</u>	<u>SIDE</u>	<u>LENGTHS OF ROAD</u>
Station Road, Stallingborough	North West	From a point 18m South West of the South Western kerbline of Clarkson Drive for a distance of 62m to a point 80m South West of the South Western kerbline of Clarkson Drive.
Station Road, Stallingborough	South East	From a point on the carriageway adjacent to the South Western property boundary of No.86 Station Road to a point 46m North East of the South Western property boundary of No.86 Station Road.

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

was hereunto affixed this 

15th day of

August 2017

In the presence of



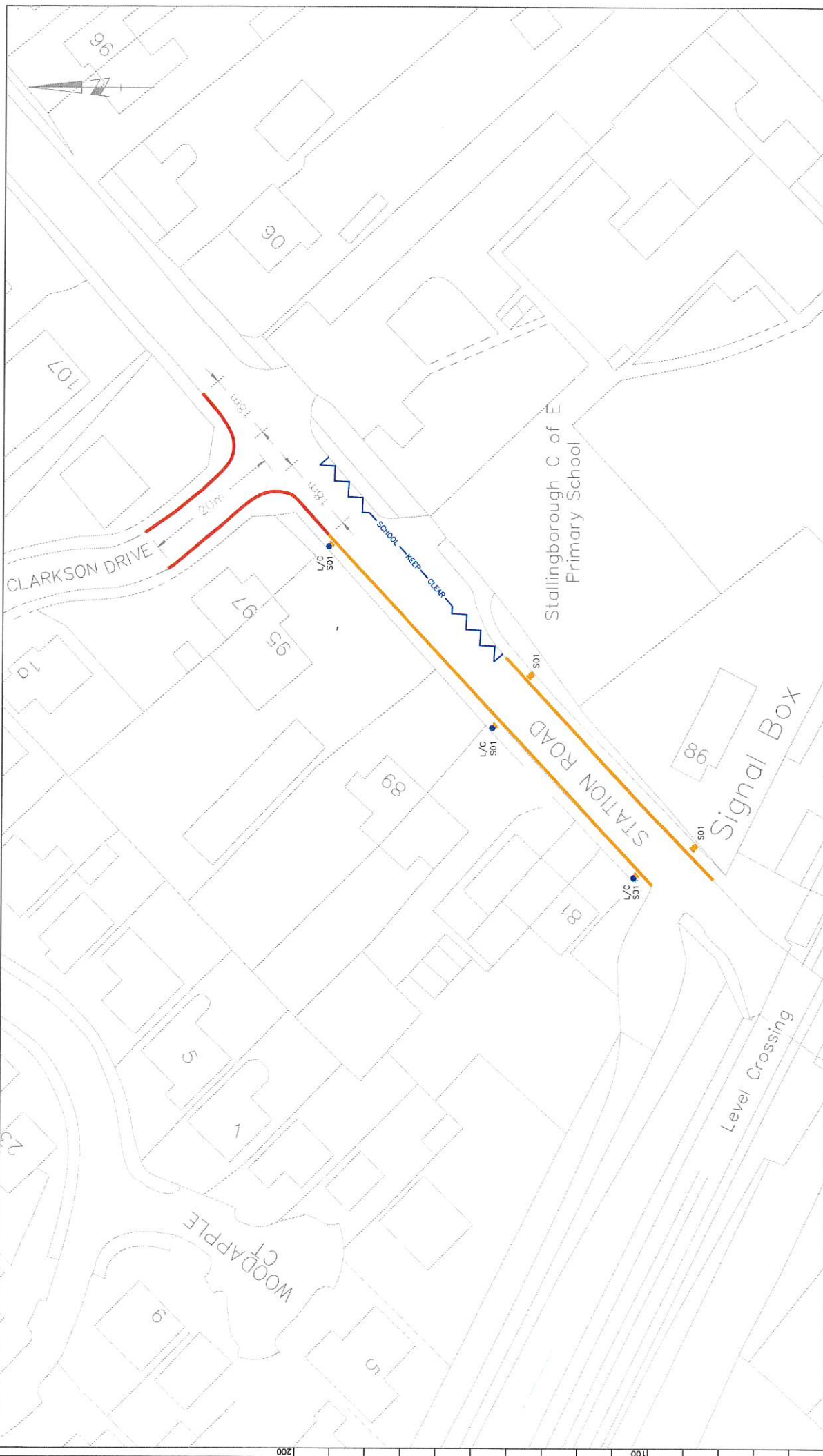
Authorised Officer

15th

August



7191



 Working in Partnership Origin Two, Origin Way, Eurobarc, Grimsey, North East Lincolnshire, LN3 9JZ Tel: 01472 319151		 North East Lincolnshire Council	
PROJECT Stallingborough Primary School – Station Road, Stallingborough		CLIENT North East Lincolnshire Council	
TITLE Experimental Traffic Regulation Order		Scale Check (Millimetres), Do Not Scale from this drawing. 200 100 0	
APPROVED AB	DATE 09.08.17	FILE REF. A3 (297 x 420)	DATE 09.08.17
DRAWN AB	SCALE NTS	ORIGINAL SIZE A3 (297 x 420)	SCALE NTS
FILE NAME ETRO: 17-107139		DRAWING No. ETRO: 17-107139-02	

Letter	Amendment	Drawn	Date
	Proposed 'No Waiting Mon-Fri 8-9am, 3-4pm' – Single Yellow Line Proposed 'No waiting at any time' – Double Yellow Lines Existing 'No stopping Mon-Fri 8-9am, 3-4pm' – to be retained Proposed Sign S01 – 'No Waiting Mon-Fri 8-9am, 3-4pm' attached to new post		
	Proposed Sign S01 – 'No Waiting Mon-Fri 8-9am, 3-4pm' attached to existing lamp column		

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