

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



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

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 Title

- 1.1 This Order shall come into operation on the 10 day of May, 2020 and may be cited as **The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verge or Footway) (New Waltham) (No. 19-24-03) Order 2019**
- 1.2 The Orders specified in column 1 of Schedule 1 to this Order are hereby revoked to the extent shown in column 2 of the said Schedule.

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:

“THE ACT OF 1984” means The Road Traffic Regulation Act 1984;

“THE ACT OF 2004” means the Traffic Management Act 2004;

“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;

“CARRIAGEWAY” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“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;

“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;

“FOOTWAY” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“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;

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

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

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

“VERGE” means any land forming part of the highway maintainable at public expense which is neither carriageway nor footway;

“THE PLANS” means The Plans attached to this Order including keys and schedules indicating the extents of parking restrictions (if any) which are held at the Offices of the Borough of North East Lincolnshire Council;

“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

- 2.2 For the purpose of this Order unless otherwise specified all references to any documents including Statutory Instruments, Regulations and polices 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 Unless the context otherwise requires, the words in the singular shall include the plural and in the plural shall include the singular.
- 2.5 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).
- 2.6 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.
- 2.7 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.
- 2.8 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.

3 Verge or Footway Prohibition

- 3.1 Save as provided in Articles 4.1 to this Order no person shall except upon the direction of or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to stop or wait at any time on any day of the week on any Verge or Footway in the lengths of roads or on any of the sides of lengths of road specified in Schedule 2 to this Order.

4 Exemptions

- 4.1 Nothing in Article 3.1 of this Order shall apply :
 - (1) so as to prevent a vehicle Stopping or Waiting on any Verge or Footway referred to in that Article for so long as may be necessary to enable the vehicle to be used in connection with :
 - (a) any building operation or demolition;
 - (b) the removal of any obstruction to any part of the Carriageway, Verge or Footway;
 - (c) the maintenance, improvement or reconstruction of the road comprising or including that Verge or Footway;
 - (d) the laying, erection, alteration or repair in or near such road, Verge or Footway of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any Telecommunication System.

- (2) to an Emergency Vehicle to be used in the course of an Emergency;
- (3) to a vehicle Stopping or Waiting on any Verge or Footway referred to in that Article while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to Wait otherwise than on that Verge or Footway;
- (4) to a vehicle Stopping or Waiting when the person in control of the vehicle –
 - (a) is required by law to stop;
 - (b) is obliged to stop so as to prevent or avoid an accident;
 - (c) is prevented from proceeding by circumstances beyond his control.
- (5) to those roads listed within Schedule 3 which are exempt from the restrictions of this Order to the extent shown on drawing 19-24/03/ 002

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

Revocation of “No Stopping on Footway or Verge”

| 1 | 2 |
|---|-----------------------------|
| <u>Order to be Revoked</u> | <u>Extent of Revocation</u> |
| The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge) (New Waltham) (No. 14-33B) Order 2014 | Full Extent |

SCHEDULE 2

“No Stopping on Verge or Footway”

All lengths of adopted road within the area of the village of New Waltham to the extent shaded blue on drawing TR-19-24/03/002 attached to this Order.

SCHEDULE 3

“Verge & Footway Parking Prohibition Exemption”

All roads within the area of the village of New Waltham, coloured red on drawing TR-19-24/03/002 attached to this Order.

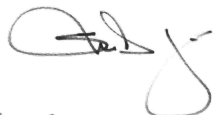
| Street | Section |
|----------------|-------------------------------|
| Baron Avenue | The whole street |
| Earl Avenue | The whole street |
| Marquis Avenue | The whole street |
| Holme Avenue | The whole street |
| Weelsby View | The whole street |
| Thornton Court | The whole street |
| Charles Avenue | Semi - circle (no.9 to no.27) |
| Margaret Place | The whole street |

This Order is executed

By North East Lincolnshire Borough Council

Acting by two Authorised Signatories on this

4 Day of May 2020.



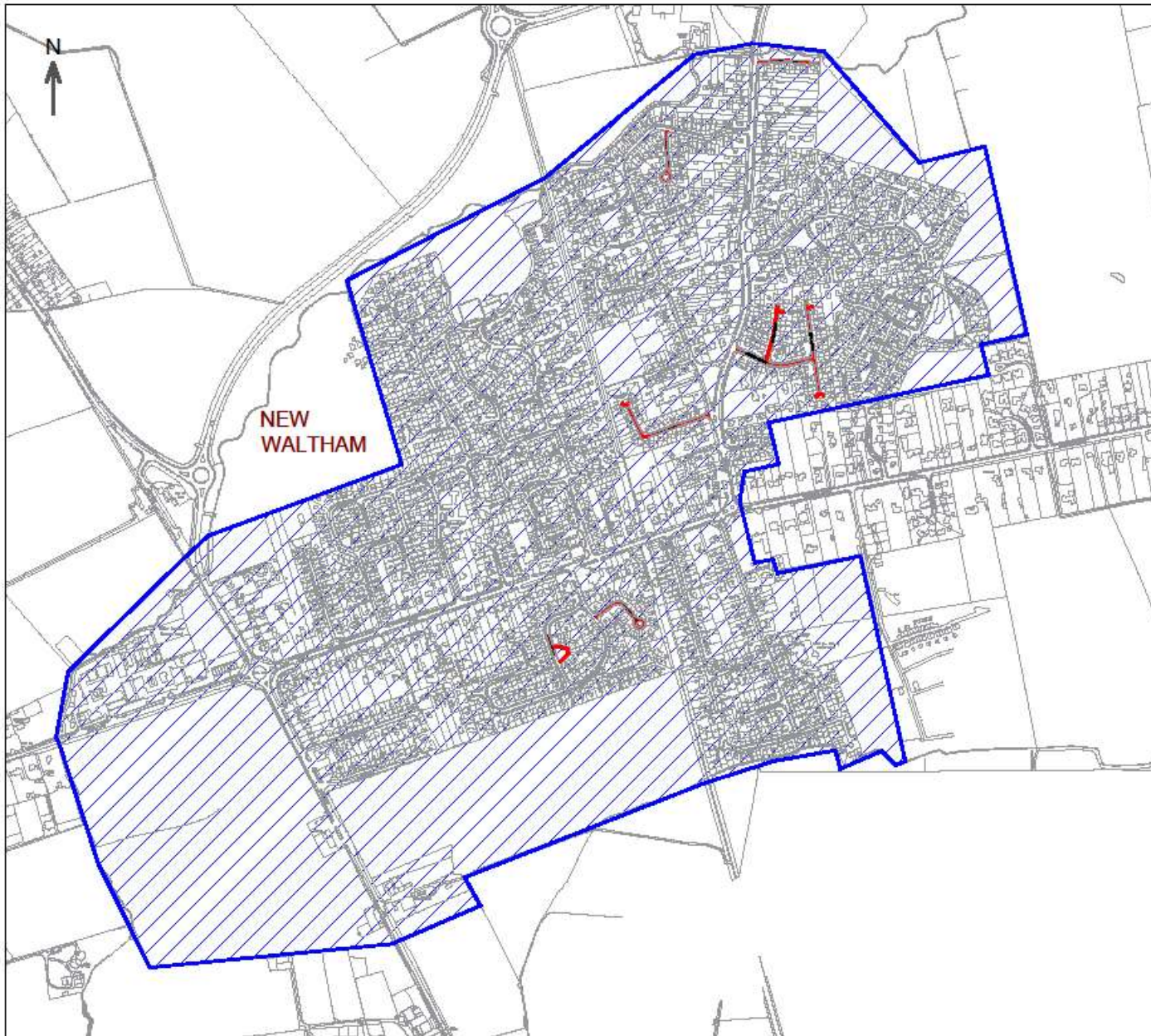
Authorised Signatory

Simon Jones
Chief Legal & Monitoring Officer



Authorised Signatory

Keith Thompson
Specialist Property Lawyer



NOTES
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KEY

- Extent of verge & footway parking restriction
- EXEMPT STREETS:-
 Baron Avenue
 Earl Avenue
 Marquis Avenue
 Holme Avenue
 Weelsby View
 Thornton Court
 Charles Avenue (semi circle only)
 Margaret Place

| | | | |
|---------------------------------------|---|-------------------------|------|
| LAYOUT | Amendment | Drawn | Date |
| CLIENT | North East Lincolnshire Council | | |
| PROJECT | Verge and Footway Parking Restrictions | | |
| TITLE | Extent of Verge & Footway Parking Restriction : New Waltham | | |
| DRAWN DLS | DATE Dec 19 | APPROVED PLC/MSL | |
| CHECKED | DATE | COORDINATOR M. | |
| ISSUED REC AS (5284 = 420) | SCALE NTS | NO 19-24/03/002 | |