

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



The North East Lincolnshire Borough Council (Shared Use Bay - Taxi Rank Clearway and Loading Bay) (Market Street, Cleethorpes) (No. 19-22) 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 referred to as 'the Act of 1984') as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to The Act of 1984 hereby make the following Order.

1 Title

- 1.1 This Order shall come into operation on the *1st* day of *September*, 2019 and may be cited as The North East Lincolnshire Borough Council (Shared Use Bay - Taxi Rank Clearway and Loading Bay) (Market Street, Cleethorpes) (No.19-22) Order 2019.

2 Definitions

- 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;

"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 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 No Stopping Road or Loading Bay Area, means the person driving the vehicle at the time it was left Waiting or parked in the No Stopping Road or Loading Bay Area 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" shall be defined as a situation that poses an imminent risk to health, life, property or environment which requires immediate intervention.

"Emergency Vehicle" shall bear 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 Waivers means a non-refundable charge levied by the Council for undertaking the administration work associated with parking 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;

“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;

“Hackney Carriage” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, or under any similar enactment;

“Lay-By” in relation to the Main Carriageway means any area of a highway at the side of the Main Carriageway but not part of it and marked in accordance with TSRGD2016 intended for the parking or Waiting of vehicles in line with The Plans to this Order;

“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;

“Loading Bay Area” means any sides or lengths of roads specified in Schedule 3 and as shown indicatively on The Plans where activities other than Loading or Unloading are prohibited;

“Main Carriageway” means that part of a public highway used primarily for vehicular through traffic provided that the expression Main Carriageway shall not include any Lay-By;

“No Stopping Hours” means in relation to any Taxi Rank Clearway the hours during which stopping is prohibited as specified in Schedule 2 and shown indicatively on The Plans to this Order;

“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;

“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 schedules and drawings attached to this Order indicating the extents of parking restrictions.

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

“Relevant Position” in respect of:-

- a) a waiver certificate 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

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

“Taxi Rank Clearway” means an area of the carriageway which is specified in Schedule 2 and as shown indicatively on The Plans;

“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;

“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;

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

“TSRGD2016” means the Traffic Signs Regulations and General Directions 2016.

“Universal Service Provider” and **“Universal Postal Service”** shall bear the same meaning 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 and a vehicle shall be deemed to be waiting for any period in the same No Stopping Road or Loading Bay Area if any part of the No Stopping Road or Loading Bay Area is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“Waiver” means electronic or hard copy of an exemption issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to Wait in specified circumstances on a length or lengths of road where the Waiting of that vehicle would otherwise be restricted or prohibited under the terms and charges applicable at the time of issue.

- 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, with the exception of Clearways which apply to the extent of the carriageway only.
- 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 unenforceable, such declaration shall not invalidate the remainder of the Order.

3 Revocation

- 3.1 The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010 (as amended) Map Schedule T21 Issue No. 13-29 shall from the date this order comes into operation be revoked in part so that the said order shall not impose any restrictions in relation to the lengths of road described in Schedule 1.

4 Exemptions

- 4.1 Nothing in Articles 5.1 and 6.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the Taxi Rank Clearways and Loading Bay Areas 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 Prohibited Roads or Loading Bay Areas or any works connected with any Statutory Undertaker's apparatus for the supply of gas, water or electricity or of any Telecommunications System.
- 4.2 Nothing in Articles 5.1 and 6.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the Taxi Rank Clearways and Loading Bay

Areas 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 Council in pursuance of statutory powers or duties.

- 4.3 Nothing in Articles 5.1 and 6.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the Taxi Rank Clearways and Loading Bay Areas for so long as it may be necessary to enable an Emergency Vehicle to be used in the course of an Emergency.
- 4.4 Nothing in Articles 5.1 and 6.1 to this Order shall render it unlawful to cause or permit any vehicle to Wait in any of the Taxi Rank Clearways and Loading Bay Areas 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.
- 4.5 Nothing in Articles 5.1 and 6.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to Wait in any of the Taxi Rank Clearways and Loading Bay Areas for so long as may be necessary to enable the vehicle if it cannot be used for such purpose without stopping or 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.
- 4.6 Nothing in Article 6.1 of this Order shall prevent any person from causing or permitting any vehicle to Wait in any lengths of road referred to in that Article provided that permission has been obtained from the Council by means of a Waiver and providing that an obstruction is not caused by so doing and that the vehicle is moved if the Driver is requested to do so by a Police Officer in uniform or Civil Enforcement Officer in uniform.
- 4.7 Nothing in Article 5.1 to this Order shall apply to any vehicle being licenced as a Hackney Carriage that is available for hire whilst on a Taxi Rank Clearway as marked on the carriageway in accordance with TSRGD2016.

5 Provisions relating to Taxi Rank Clearway Restriction

- 5.1 Save as provided in Articles 4.1, 4.2, 4.3, 4.4, 4.5 and 4.7 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) other than a Hackney Carriage to stop or Wait on any of the Taxi Rank Clearways during the No Stopping Hours.
- 5.2 The driver of a vehicle shall not permit it to stop or Wait on any of the Taxi Rank Clearways unless the vehicle is wholly within the limits of the restrictions as indicated by Traffic Signs.

6 Provisions relating to Loading Bay Areas

- 6.1 Save as provided in Articles 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 no person shall cause or permit any vehicle (and/or drawn Trailer) to Wait in the Loading Bay Areas on such days and during such hours as so identified in Schedule 3, other than for Loading and Unloading.
- 6.2 The Driver of a vehicle shall not permit it to Load or Unload in a Loading Bay Area for longer than it is necessary to enable goods to be Loaded or Unloaded from the vehicle.
- 6.3 The driver of a vehicle shall not permit it to Load or Unload in a Loading Bay Area unless the vehicle is wholly within the limits of the restrictions as indicated by Traffic Signs.
- 6.4 When a vehicle is left in a Loading Bay Area in contravention of the provisions contained in Articles 6.1, 6.2 and 6.3 of this Order, A Person Authorised by the Council may remove the vehicle or arrange for the vehicle to be removed from that Loading Bay Area.

7 Waivers

- 7.1 Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any Fee that the Council may from time to time determine may issue to the applicant a Waiver for leaving in the parts of the carriageway in which such Waivers are valid, provided that the Council may impose such conditions on the use of the Waiver as it considers appropriate and that any limit applying to the number of Waivers issued is not exceeded.
- 7.2 A Waiver may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing served on the person to whom such Waiver was issued by sending the same to the Waiver holder at the address shown by that person on the application for the Waiver, or at any other address believed to be that persons place of abode, requiring that person to surrender the Waiver to the Council within 48 hours of receipt of the aforementioned notice.

8 Contravention and Penalty Charge

CONTRAVENTION AND PENALTY CHARGE NOTICES

- 8.1 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 relevant provisions of The Act of 2004.
- 8.2 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

- 8.3 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

- 8.4 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 - Revocations

The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and on Street Parking) (Consolidation) Order 2010 (as amended) - (Amendment No. 13-29 Order 2014).

STREET	SIDE	LENGTHS OF ROAD
MARKET STREET	North Westerly kerbline	From a point 6m north east of the North Easterly kerbline of CROSS STREET in a north easterly direction to a point 18m south west of the South Westerly kerbline of OSBORNE STREET, a distance of 49m.

SCHEDULE 2 – Taxi Rank Clearway

“Taxi Rank Clearway: No Stopping except Hackney Carriages – Monday to Sunday 6.00pm to Midnight, Midnight to 6.00am”

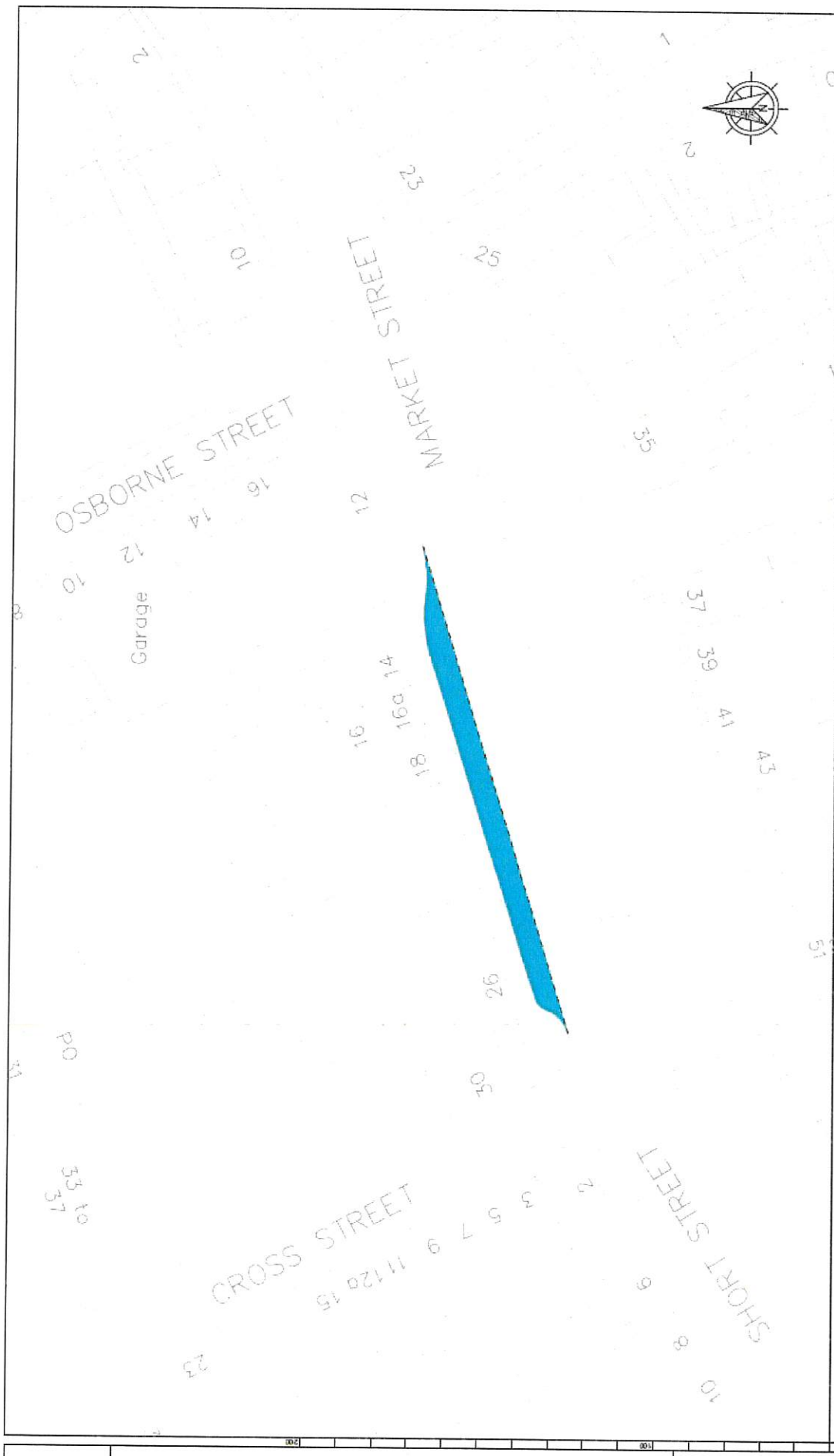
STREET	SIDE	LENGTHS OF ROAD
MARKET STREET	North Westerly kerbline	From a point 6m north east of the North Easterly kerbline of CROSS STREET in a north easterly direction to a point 18m south west of the South Westerly kerbline of OSBORNE STREET, a distance of 49m.

SCHEDULE 3 – Loading Bay Areas

“Loading Only – Monday to Sunday 6.00am to 6.00pm”

STREET	SIDE	LENGTHS OF ROAD
MARKET STREET	North Westerly kerbline	From a point 6m north east of the North Easterly kerbline of CROSS STREET in a north easterly direction to a point 18m south west of the South Westerly kerbline of OSBORNE STREET, a distance of 49m.





Key  Proposed shared use bay :- 1. Taxi Rank Clearway - No Stopping Except Hackney Carriages - Monday to Sunday 6.00pm to Midnight, Midnight to 6.00am 2. Loading Only - Monday to Sunday 6.00am to 6.00pm	Amendment DRAWN DATE DRAWN DATE	
	Mapping material in this plot has been reproduced from the Ordnance Survey Digital Data with the permission of the Controller of HMSO (C) Crown Copyright Reserved 1996, Licence No 100020789 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.	
CLIENT NORTH EAST LINCOLNSHIRE COUNCIL		
PROJECT Market Street, Cleethorpes		
TITLE Traffic Regulation Order 19-22 Shared Use Loading Bay / Taxi Rank Clearway		
DRAWN FILE NO DRAWING NO	APPROVED DATE SCALE	FILE NAME DRAWING NO
AB AD (257 x 420)	NH 16.05.19 NTS	TR-19-22

Scale: Check (Millimetres), Do Not Scale from the drawing.

THE COMMON SEAL OF THE
NORTH EAST LINCOLNSHIRE
BOROUGH COUNCIL

was hereunto affixed this

24th day of

July 2019

In the presence of

W. Johnson

Authorised Officer



8492

