

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The North East Lincolnshire Borough Council  
(No Waiting or Loading on Tuesdays and Thursdays  
7.00am to 2.30pm) (Edward Street and William Street,  
Cleethorpes) (No. 20-12A)  
Traffic Regulation Order 2021**

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 referenced to as 'the Act 1984'), 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, hereby make the following Order:-

## 1 Title

- 1.1 This Order shall come into operation on the 27 day of, August 2021 and may be cited as 'The North East Lincolnshire Borough Council (No Waiting or Loading on Tuesdays and Thursdays 7.00am to 2.30pm) (Edward Street and William Street, Cleethorpes) (No. 20-12A) Traffic Regulation Order 2021'

## 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:

**"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 prohibited or 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;

**"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;

**“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;

**“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;

**“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 or any subsequent legislation so enabling;

**“PROHIBITED HOURS”** means in relation to each individual Prohibited Road the hours whereby Waiting and Loading is prohibited during the hours specified in Schedule 1 and shown indicatively in The Plans to this Order.

**“PROHIBITED ROAD”** means any of the sides or lengths of roads specified in Schedule 1 and shown indicatively in The Plans to this Order.

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

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

**“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 Sections 9 and 10 of the Act 1984;

**“THE PLANS”** means the schedules and drawing TR-20-12A attached to this Order including keys indicating the extents of parking restrictions;

**“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;

**“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;

**“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 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 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.
- 2.6 For the purpose of this Order a vehicle shall be taken as Waiting or Loading on a length of road if any point on that length of road is below the vehicle or its load (if any).
- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

### **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 Plans attached to this Order for so long as it may be necessary to enable a person to board or alight from the vehicle.

- 3.2 Nothing in Articles 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 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.
- 3.3 Nothing in Articles 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 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.
- 3.4 Nothing in Articles 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 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, 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.
- 3.5 Nothing in Articles 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 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.
- 3.6 Nothing in Articles 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 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.
- 3.7 Nothing in Articles 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 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.
- 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 attached to this Order for so long as it may be necessary to enable a Security Vehicle to be used in the conveyance of bullion, monies and currency and other securities to/from properties in any of the lengths of road identified on The Plans attached to this Order and being a vehicle specifically designed for that purpose.

- 3.9 Nothing in Article 4.1 to this Order shall apply to Funeral and Wedding Vehicles at a funeral or wedding.
- 3.10 Nothing in Articles 4.1 of this Order shall prevent any person from causing or permitting any vehicle to Wait in any lengths of road referred to in those Articles 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.
- 3.11 Nothing in Articles 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 those Articles 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 Provisions relating to Prohibition of Waiting and Loading 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 and 3.11 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 or load in the Prohibited Roads during the Prohibited Hours specified in Schedule 1 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 – Prohibited Roads

**“No Waiting or Loading on Tuesdays and Thursdays between 7am and 2.30pm”**

| <b><u>STREET</u></b> | <b><u>SIDE</u></b> | <b><u>LENGTHS OF ROAD</u></b>  |
|----------------------|--------------------|--|
| William Street       | North-east         | From a point 10 metres north-west of the northern kerbline of Edward Street to a point 12 metres south-east of the southern kerbline of Edward Street. |
| William Street       | South-west         | From a point 10 metres north-west of the northern kerbline of Edward Street to the northern kerbline of Edward Street.                                 |
| William Street       | South-west         | From the southern kerbline of Edward Street to a point 10 metres south-east of the southern kerbline of Edward Street.                                 |
| Edward Street        | Both               | From the south-west kerbline of William Street to a point 10 metres south-west of the south eastern kerbline of William Street.                        |

This Order is executed

**By North East Lincolnshire Borough Council**

Acting by two Authorised Signatories on this

23rd Day of August 2021

  


Authorised Signatory

Simon Jones

Assistant Director Law, Governance & Assets (Monitoring Officer)

Authorised Signatory

Hannah Steer, Solicitor

