

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The North East Lincolnshire Borough Council  
(Prohibition of Stopping on Verge or Footway)  
(Bradley Road, Church Lane and Manor Farm Mews)  
(No. 20-16-01)  
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 referred to as 'the Act 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, hereby make the following Order

## 1 Title

- 1.1 This Order shall come into operation on the 01 day of November 2021 and may be cited as **The North East Lincolnshire Borough Council (Prohibition of Stopping on Verge or Footway) (Bradley Road, Church Lane and Manor Farm Mews) (No. 20-16-01) 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:

**"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;

**"DRIVER"** in relation to the vehicle left, stopped or Waiting means the person driving the vehicle at the time it was left, Waiting or Parked 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;

**"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 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;

**"THE PLANS"** means the schedules and drawings attached to this Order indicating the extents and types of restrictions;

**"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 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;

“**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 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 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 Verge or Footway Prohibition**

- 3.1 Save as provided in Articles 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 no person shall except upon the direction of or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer in uniform 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 specified in Schedule 1 and as shown on The Plans.

### **4 Exemptions**

- 4.1 Nothing in Article 3.1 shall render it unlawful to cause or permit any vehicle to stop or Wait on any Verge or Footway 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.

- 4.2 Nothing in Article 3.1 shall apply so as to prevent any person from causing or permitting any vehicle to stop or Wait on any Verge or Footway for so long as may be necessary to enable the vehicle if it cannot be used for such purpose without Waiting in any Verge or Footway 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.
- 4.3 Nothing in Article 3.1 shall render it unlawful to cause or permit any vehicle to stop or Wait on any Verge or Footway 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 Article 3.1 shall apply to a vehicle stopping or Waiting on any Verge or Footway 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 stop or Wait otherwise than on that Verge or Footway.
- 4.5 Nothing in Article 3.1 to this Order shall render it unlawful to cause or permit any vehicle to stop or Wait on any Verge or Footway 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.
- 4.6 Nothing in Article 3.1 to this Order shall render it unlawful for a vehicle which is being used in an official capacity to undertake monitoring and / or enforcement activities on behalf of Humberside Police and the Council. This includes, but is not limited to; speed, mobile phone and seat belt violations and any other such road traffic offences.

## **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

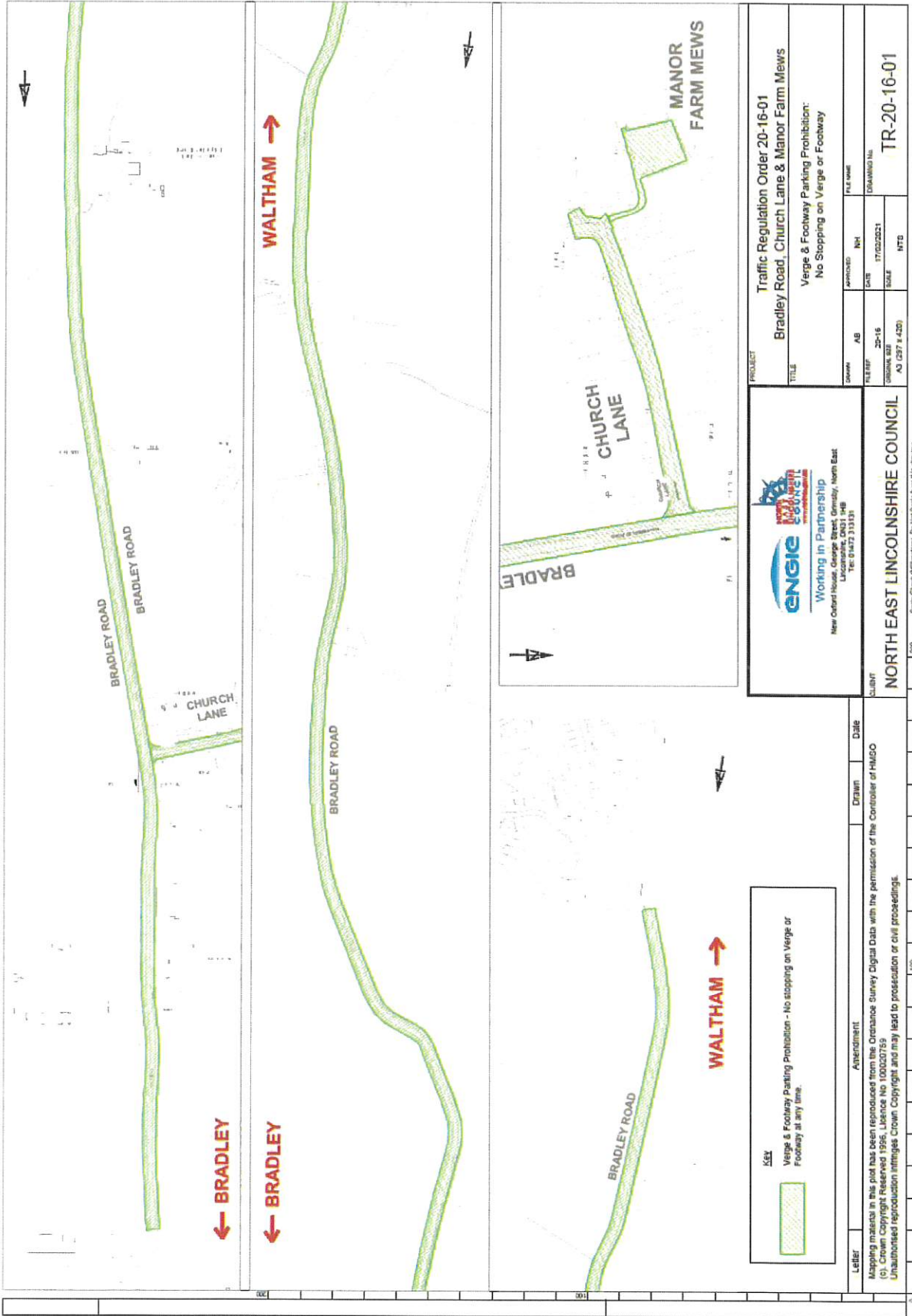
- 5.4 Where a notice has been attached to a vehicle in accordance with the provisions of The Act of 2004, no person not being the Driver of the vehicle or duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the Driver.

## SCHEDULE 1

### “No Stopping on Verge or Footway”

All lengths of adopted Verge and Footway which form part of the highway maintainable at public expense along the below lengths of road.

<b>Street</b>	<b>Extent</b>
Bradley Road	From a point 74 metres north of the extended northern kerblime of Marian Way to a point 6 metres south of the southern property boundary of No. 41 Bradley Road.
Church Lane	From the westerly kerblime of Bradley Road to a point adjacent to the pedestrian footpath access to Saint George's Church.
Manor Farm Mews	The full extent



*J. Steel*

THE COMMON SEAL OF THE NORTH  
EAST LINCOLNSHIRE BOROUGH  
COUNCIL

was hereunto affixed this

06 day of

October 2021

In the presence of

*H. Steer*

Authorised Officer

*Hannah Steer*

