

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



## **The North East Lincolnshire Borough Council (Prohibition of Driving – Except Permit Holders) (School Streets Phase 1 - Various Streets) (No. 22-06) Experimental Traffic Regulation Order 2022**

North East Lincolnshire Council, hereinafter referred to as “the Council”, in exercise of powers conferred upon it under Sections 9, 10 and 92 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, hereby make the following Order.

## **1 Commencement and Citation**

- 1.1 This Order shall come into operation on the *5th* day of *December* 2022 and may be cited as The North East Lincolnshire Council (Prohibition of Driving – Except Permit Holders) (School Street Phase 1 – Various Street) (No. 22-06) Experimental Traffic Regulation Order 2022.
- 1.2 The Order shall remain in force for a period not exceeding eighteen (18) months from the above date.

## **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;

**“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;

**“DISABLED PERSON'S BADGE”** shall bear the same meaning as in the Local Authorities Traffic Orders (exemptions for disabled persons) regulations 2000 (as modified or superseded from time to time).

**“DISABLED PERSON'S PARKING DISC”** shall bear the same meaning as in the Local Authorities Traffic Orders (exemptions for disabled persons) regulations 2000 (as modified or superseded from time to time).

**“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 as it relates to Funerals and Weddings. Note this does not include all vehicles attending the Funeral or Wedding;

**"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 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;

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

**"POSTAL PACKET(S)"** has the same meaning as in section 125 Postal Services Act 2000

**"RELEVANT POSITION"** in respect of:

- a) a Resident's Permit exhibited on the windscreen, dashboard or fascia in a conspicuous position on the vehicle and is clearly legible from the outside of the vehicle;
- b) 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 badge is clearly legible from the outside of the vehicle;
- c) a physical Waiver 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 Waiver is clearly legible from the outside of the vehicle

**"RESIDENTS PERMIT"** means a permit issued by the Council, which may be virtual or physical, and used in the manner directed by the Council;

**"RESTRICTED HOURS"** means those hours described in column 3 to the table in Schedule 1

**"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 in the Telecommunications Act 1984;

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

**“TSRGD 2016”** means the Traffic Signs Regulations and General Directions 2016, as amended;

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

**“WAIVER”** means an electronic or hard copy exemption issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to drive in specified circumstances on a length or lengths of road where the driving 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.
- 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 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.
- 2.9 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 prevent any person from causing or permitting any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, provided that a Residents' Permit has been obtained from the Council and is displayed in the Relevant Position. In the event that a driver is requested to move the vehicle by a Police Officer in uniform or Civil Enforcement Officer in uniform the driver shall comply with these instructions.
- 3.2 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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 Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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 Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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.
- 3.5 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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 Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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.
- 3.7 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, 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 road, lengths of road or on the sides of road identified in the Plans attached to this Order and being a vehicle specifically designed for that purpose.
- 3.8 Nothing in Article 4.1 to this Order shall apply to Funeral and Wedding Vehicles at a funeral or wedding.

- 3.9 Nothing in Article 4.1 to this Order shall prevent any person from causing or permitting any vehicle to proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours, provided that permission has been obtained from the Council by means of a Waiver provided that any physical waiver shall be displayed in the Relevant Position. In the event that a driver is requested to move the vehicle by a Police Officer in uniform or Civil Enforcement Officer in uniform the driver shall comply with these instructions.
- 3.10 Nothing in Article 4.1 to 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 proceed in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours.

#### **4 General Provisions relating to Prohibition of Driving 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 and 3.10 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 be driven in any of the roads, lengths of road or on the sides of road identified in The Plans attached to this Order during the Restricted Hours.

#### **5 Waivers**

- 5.1 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 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.
- 5.2 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.

## SCHEDULE 1

### “Prohibition of Driving – School Street”

<u>SCHOOL STREET</u>	<u>LENGTHS</u>	<u>RESTRICTED HOURS</u>
Allerton Drive	The full length	Monday to Friday 8.30 am to 9.00 am and 3.00pm to 4.00pm
Macaulay Street	The full length	Monday to Friday 8.30 am to 9.00 am and 2.45pm to 3.45 pm
South Parade	The full length	Monday to Friday 8.30 am to 9.00 am and 2.45pm to 3.45 pm
Machray Place	The full length	Monday to Friday 8.30 am to 9.00 am and 3.00pm to 4.00pm

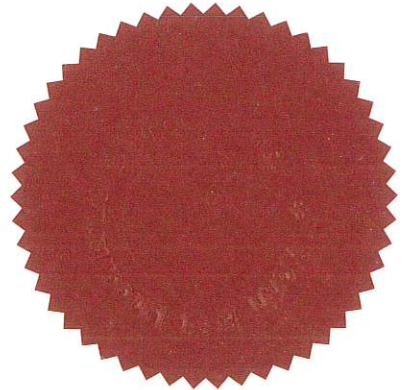
**THE COMMON SEAL OF THE NORTH  
EAST LINCOLNSHIRE BOROUGH  
COUNCIL**

was hereunto affixed this

17 day of

November 2022

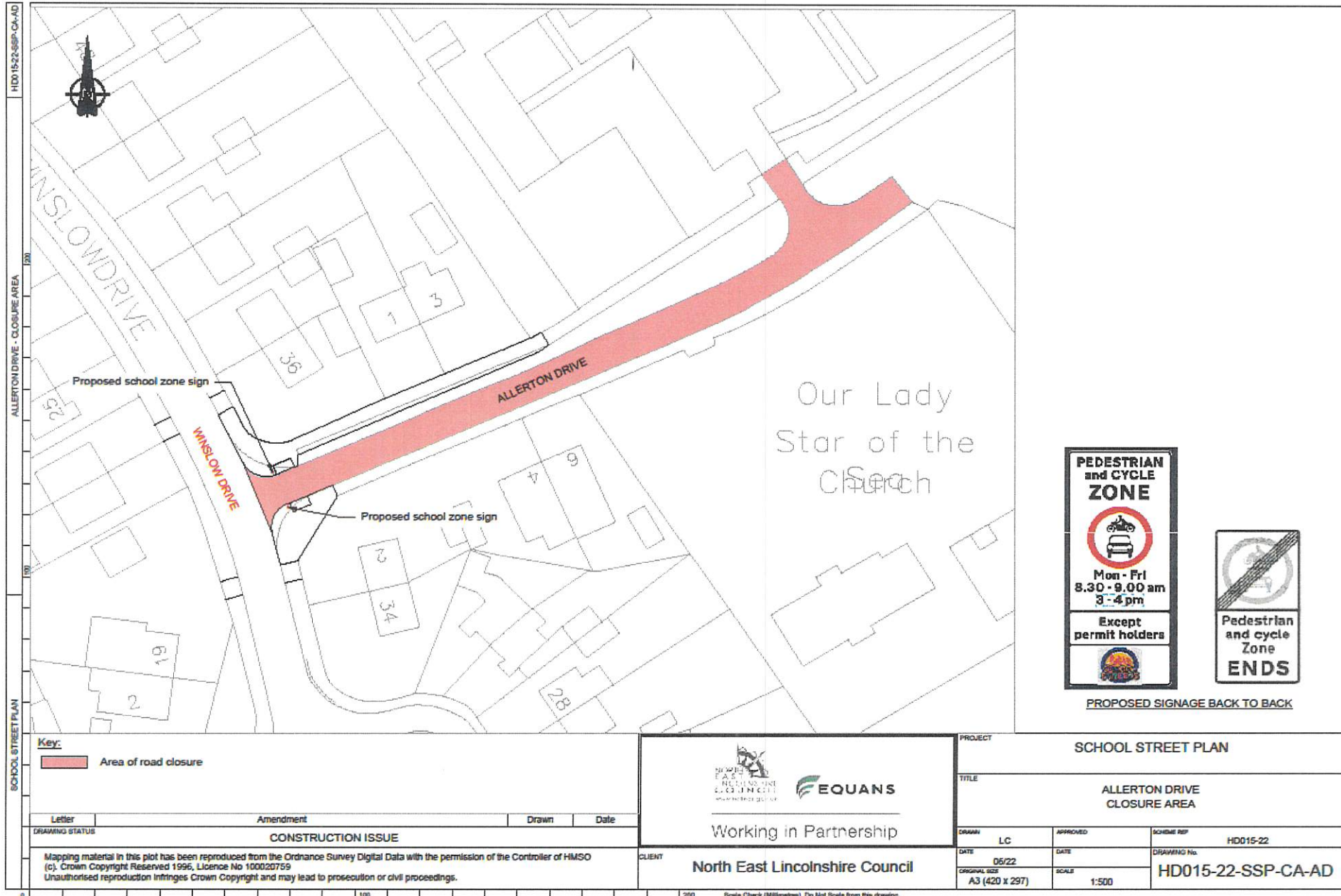
*K. Thompson*



In the presence of

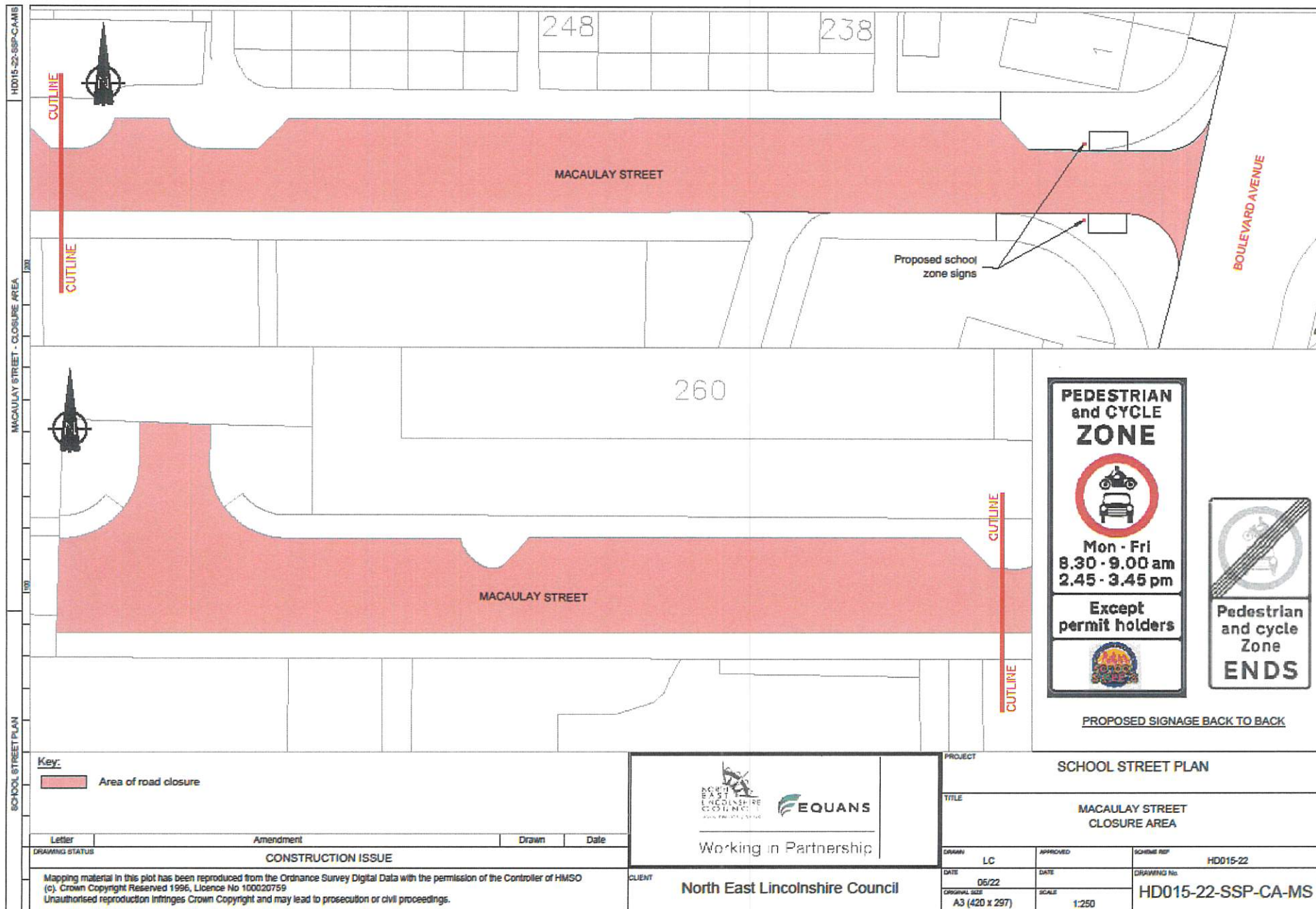
Authorised Officer

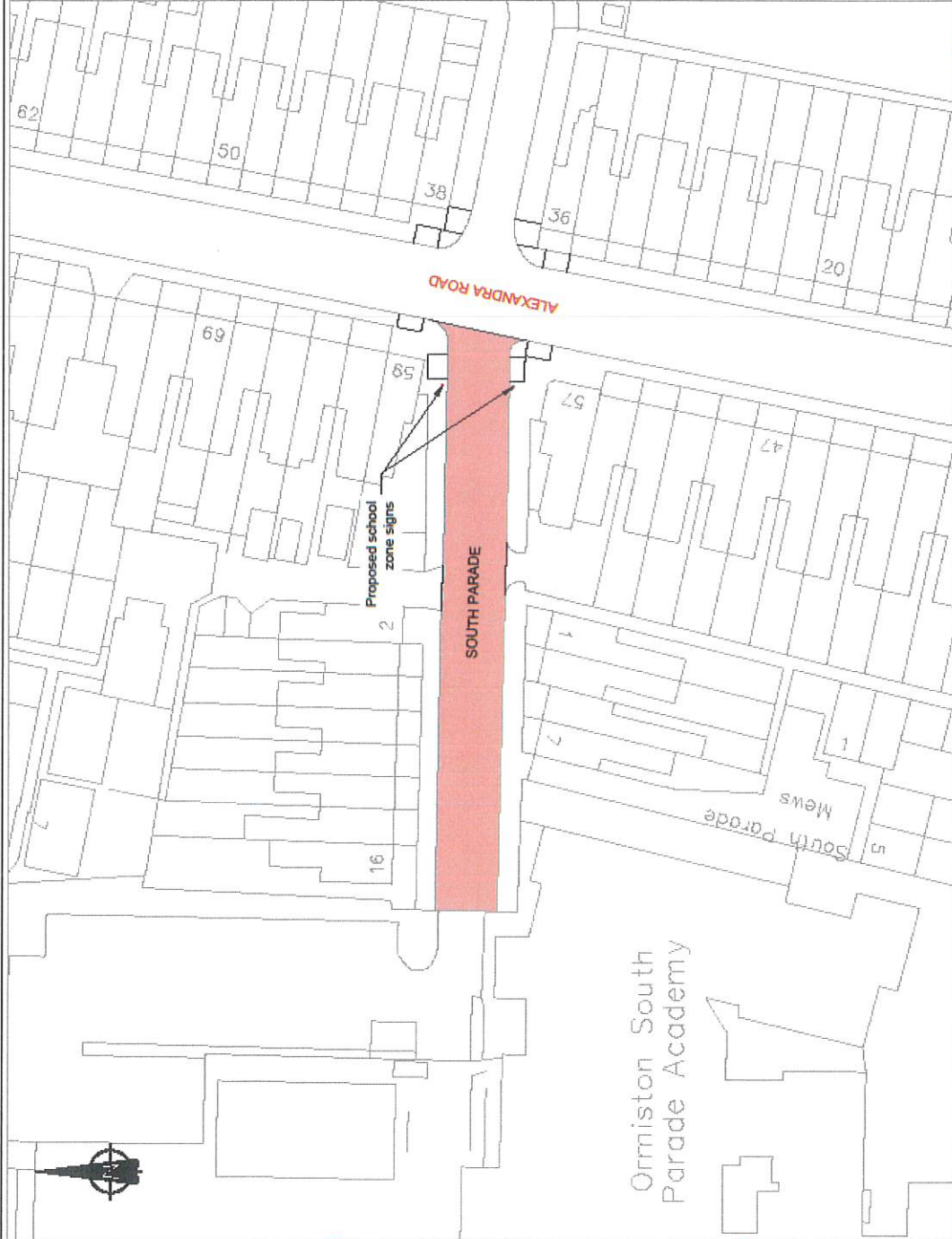
# SCHEDULE 2



PROPOSED SIGNAGE BACK TO BACK







PEDESTRIAN and CYCLE ZONE

Mon - Fri

8.30 - 9.00 am

2.45 - 3.45 pm

Except permit holders

PEDESTRIAN and cycle Zone

ENDS

PROPOSED SIGNAGE BACK TO BACK

Key:

Area of road closure

DRAWING STATUS		CONSTRUCTION ISSUE	
Letter	Amendment	Drawn	Date
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Working in Partnership

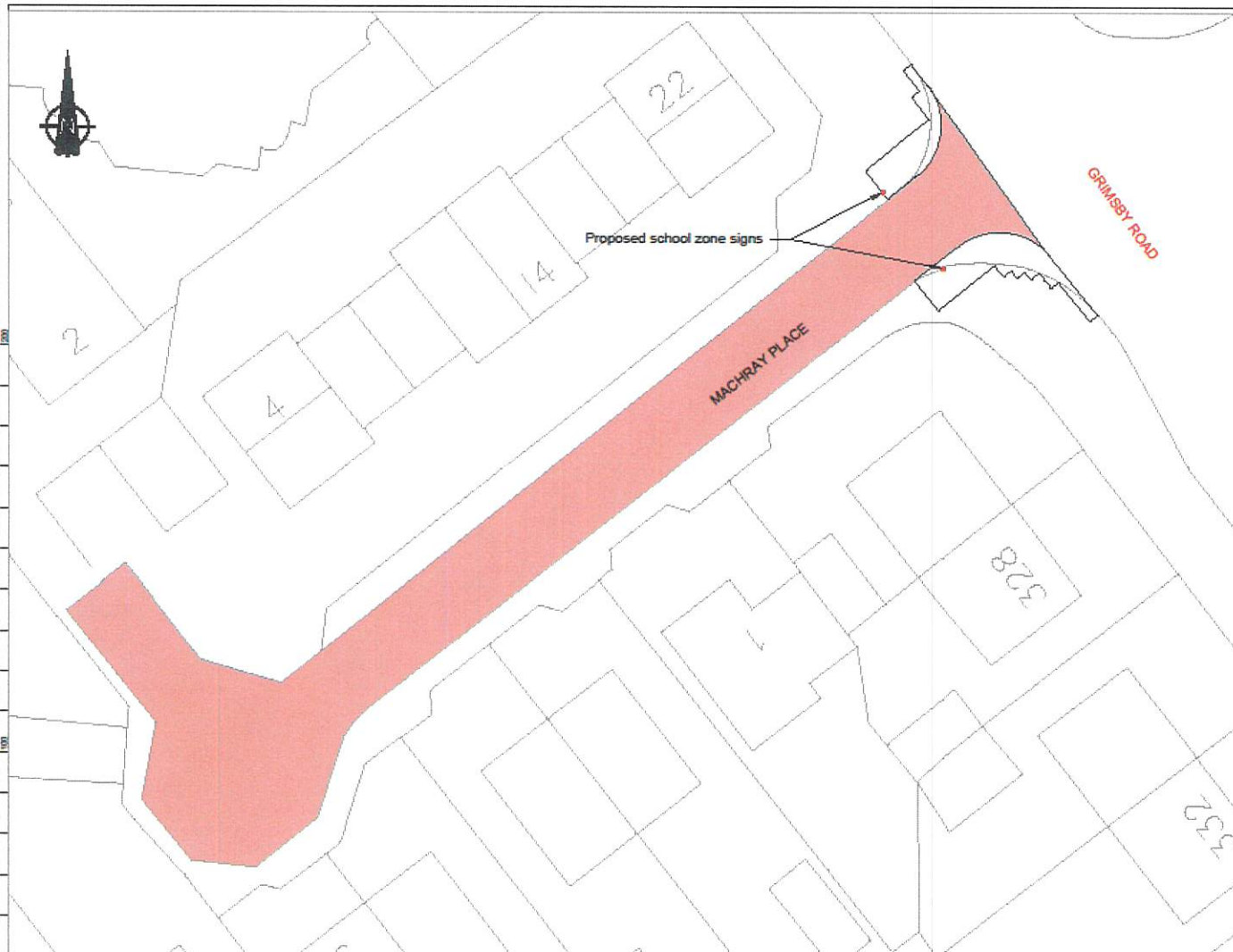
North East Lincolnshire Council

CLIENT

PROJECT		SCHOOL STREET PLAN	
TITLE		SOUTH PARADE CLOSURE AREA	
CONTRACT	LC	APPROVED	LOCAL REF
DATE	05/22	DATE	HD015-22
ORIGINAL SIZE	A3 (420 x 297)	SCALE	1:500

Scale Check (Millimetres). Do Not Scale from this drawing.





PROPOSED SIGNAGE BACK TO BACK

Key:  
 Area of road closure



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North East Lincolnshire Council

PROJECT

SCHOOL STREET PLAN

TITLE

MACHRAY PLACE  
CLOSURE AREA

DRAWN

LC

APPROVED

DATE

05/22

ORIGINAL SIZE

A3 (420 x 297)

SCALE

1:250

SCHEME REF

HD015-22

DRAWING No.

HD015-22-SSP-CA-MP

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CLIENT

Scale Check (Millimetres). Do Not Scale from this drawing.