

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



## **The North East Lincolnshire Borough Council (School Parking Restrictions) (Colin Avenue & Knight Street, Grimsby) (No. 22-07) Order 2022**

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 the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as “The Act of 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 of 1984 hereby make the following Order.

## 1 Title

- 1.1 This Order shall come into operation on the 14<sup>th</sup> day of December, 2022 and may be cited as The North East Lincolnshire Borough Council (School Parking Restrictions) (Colin Avenue & Knight Street, Grimsby) (No. 22-07) Order 2022.

## 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;

**"The 2022 Regulations"** means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022/71

**"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;

**"Driver"** in relation to the vehicle left Waiting in a Prohibited Road or Stopped on any School Keep Clear Area, means the person driving the vehicle at the time it was left Stopped on any School Keep Clear 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 (as modified or superseded from time to time).

**"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;

**“No Stopping Hours”** means in relation to any School Keep Clear Area the hours during which Stopping is prohibited as specified in Schedule 2 and shown indicatively on The Plans to this Order.

**“The Plans”** means the schedules and drawings attached to this Order indicating the extents of parking restrictions.

**“Relevant Position”** in respect of 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.

**“School Keep Clear Areas”** mean the lengths of carriageway specified in Schedule 2 and as shown indicatively on The Plans.

**“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;

**“Stop” or “Stopping”** 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 School Keep Clear Area if any part of the School Keep Clear Area is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

**“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 of 1984;

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

**“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 Stop in specified circumstances on a length or lengths of road where the Stopping 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 and Schedules 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 For the purpose of this Order a vehicle shall be taken as Stopped on a length of road if any point on that length of road is below the vehicle or its load (if any).
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 Unless the context otherwise requires, the words in the singular shall include the plural and in the plural shall include the singular.

### **3 Revocations**

- 3.1 The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010 (as amended) shall from the date this Order comes into operation be revoked in part so that the said Order shall not impose those restrictions in the lengths of roads as described in Schedule 1.

### **4 Exemptions**

- 4.1 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop on any of the School Keep Clear 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 School Keep Clear 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 Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the School Keep Clear 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 Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the School Keep Clear 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 Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the School Keep Clear 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 is permitted to Stop 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 Article 5.1 of this Order shall prevent any person from causing or permitting any vehicle to Stop in any of the School Keep Clear Areas 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.
- 4.6 Nothing in Article 5.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to Stop in any of the School Keep Clear Areas for 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.

## **5 Provisions relating to Prohibition of Stopping restrictions (School keep Clear Areas)**

- 5.1 Save as provided in Articles 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 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 Stop on any of the School Keep Clear Areas during the No Stopping Hours.
- 5.2 Notwithstanding any exemption listed in article 5.1, the person in control of a vehicle stopped on any of the lengths of road identified as School Keep Clear Areas on The Plans attached to this Order, shall move the vehicle on the instructions of a Police Constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

## **6 Waivers**

- 6.1 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.
- 6.2 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 – Revocations

### The Borough of North East Lincolnshire (Prohibition and Restriction of Waiting, Clearways and On Street parking) (Consolidation) Order 2010 (As Amended)

<b><u>STREET</u></b>	<b><u>SIDE</u></b>	<b><u>RESTRICTION(S)</u></b>	<b><u>LENGTHS OF ROAD</u></b>
COLIN AVENUE, GRIMSBY	Both Kerb Lines	All School Keep Clear: No Stopping Restrictions	Full Extent
KNIGHT STREET, GRIMSBY	Southern Kerb Line	All School Keep Clear: No Stopping Restrictions	Full Extent



## SCHEDULE 2 – School Keep Clear Area

**“School Keep Clear: No Stopping Monday – Friday, 8:00am – 9:00am and 3:00pm – 4:00pm on entrance markings”**

<b><u>STREET</u></b>	<b><u>SIDE</u></b>	<b><u>LENGTHS OF ROAD</u></b>
COLIN AVENUE, GRIMSBY	Western kerb line	From the southern kerb line of Knight Street in a south-easterly direction for a distance of 36.6 metres
COLIN AVENUE, GRIMSBY	Eastern kerb line	From a point 32.4 metres south-east of the southern kerb line of Lichfield Road in a south-easterly direction for a distance of 33.3 metres
KNIGHT STREET, GRIMSBY	Southern kerb line	From the western kerb line of Colin Avenue in a south westerly direction for a distance of 5.7 metres



THE COMMON SEAL OF THE  
NORTH EAST LINCOLNSHIRE  
BOROUGH COUNCIL

was hereunto affixed this

14<sup>th</sup> Day of

December 2022

In the presence of

K Thompson



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