NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL

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The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010

The Borough of North East Lincolnshire (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010.

PART 1 – GENERAL

The Borough of North East Lincolnshire in exercise of the powers under Sections 1(1) and (2), 2(1) to (3), 3(2), 4(1) to (3), 32, 33, 35, 37, 38(1), 45, 46, 46A, 49, 51, 53, 63A, 65, 68, 69, 71, 101, 102 and 116, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and having regard to Section 122 of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and the Traffic Management Act 2004 hereby make the following Order:

1 Commencement and Citation

1.1 This Order shall come into operation on 5th July 2010 and may be cited as The Borough of North East Lincolnshire (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation)Order 2010.

2. Revocations

2.1 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, all waiting restrictions, loading and unloading restrictions, clearways, keep clear markings, loading areas, and taxi ranks in the borough of North East Lincolnshire as defined by the area as bounded in blue on the plan shown in Article 37 are hereby revoked.

3. Interpretation

3.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Act of 1991" means The Road Traffic Act 1991

"the Act of 1984" means The Road Traffic Regulation Act 1984

"the Act of 2004" means the Traffic Management Act 2004

"Civil Enforcement Officer" has the meaning given by Section 76 of the Traffic Management Act 2004

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection

"Disabled Person's Vehicle" means a vehicle lawfully displaying a disabled person's badge

"disabled person's badge" means a badge issued by a local authority in the form prescribed by Regulations 7 and 11 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"driver" in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving or in charge of the vehicle at the time it was left in that parking place or road or length of road

"goods" includes postal packets of any description

"goods vehicle" has the meaning defined in the Traffic Signs Regulations and General Directions 2002

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, or Section 6 of the Metropolitan Public Carriage Act 1869(b) or under any similar enactment

"lay-by" in relation to a main carriageway, means any area intended for the use of waiting of vehicles at the side of the main carriageway

"loading bay area" means the part of a road authorised by this Order to be used as a loading and unloading only area and indicated by sign diagram number 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 2002

"main carriageway" means any carriageway of a road used primarily by through traffic and excludes any lay-by

"motor cycle" and "invalid carriage" and "passenger vehicle" have the same meaning as defined in Section 136 of the Act of 1984

"parking place" means a road or length of road designated for the leaving of vehicles as indicated by appropriate road markings

"parking bay" means an area contained within a parking place as indicated by the appropriate road markings

"parking disc" has the same meaning as provided in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

"permitted hours" means the hours identified for permitted parking on the plans attached to this Order (but excluding any such day that is Christmas Day, Good Friday or a Bank Holiday not being a Public Holiday

"public service vehicle" has the meaning defined in Section 1 of the Public Passenger Vehicles Act 1981

"relevant date" means the date on which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates

"relevant position" means:-

(a) A vehicle displays a disabled persons' badge, parking permit, or ticket issued in accordance with this Order in the relevant position if:

(i) it is exhibited in or on the front windscreen, on the dashboard or facia of the vehicle; or

(ii) where the vehicle is not fitted with a dashboard or facia, the badge, permit or ticket is exhibited in a conspicuous position at the front of the vehicle so that the front of the badge, permit or ticket (showing any

Serial numbers, time, date and expiry or purchase details) is clearly legible from the front of the outside of the vehicle

(b) A vehicle displays a parking disc in the relevant position if:

(i) the disc is exhibited on the dashboard or fascia of the vehicle; or

(ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle

"school keep clear area" means any area of carriageway of a specified road intended to be kept clear of stationary vehicles being in close proximity to a school pedestrian access

"taxi" has the same meaning given by Regulation 4 of the Traffic Signs Regulations and General Directions 2002 and "taxi rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers

"telecommunications apparatus" has the same meaning as in Schedule 2 of the Telecommunications Act 1984

"the Council" means North East Lincolnshire Council

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act of 1984

"waiver" means a formal document issued by North East Lincolnshire Council to exempt a vehicle from a restriction under the terms and charges applicable at the time of issue

3.2 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.

3.3 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).

3.4 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.

3.5 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.

PART II

GENERAL PROVISIONS RELATING TO WAITING AND LOADING RESTRICTIONS

4. Save as provided in Articles 6, 7, 8, 9 and 10 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle (and/or drawn trailer) to wait on the roads or sides of the roads subject to restrictions identified as No Waiting during a specified time limit, for the periods identified on the plans attached to this Order.

5. Save as provided in Article 11 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to load or unload in the roads or sides of the roads identified as No Loading and for the periods identified on the plans attached to this Order.

6. Nothing in Article 4 of 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 may be necessary to enable:

(a) a person to board or alight from the vehicle;

(b) goods to be loaded onto or unloaded from the vehicle provided that loading is carried out in one continuous operation and that no vehicle shall so wait on any of the lengths of road identified on the plans attached to this Order where loading and unloading is prohibited on such days and times so identified on the aforementioned plans;

(c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the purpose of any 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 sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;

(d) 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;

(e) the vehicle of a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;

(f) the vehicle to be used in the service of the Police, Fire Brigade or Ambulance Service;

(g) the vehicle to be used in any case where the person in control of the vehicle:

(i) is required by law to stop or wait or is permitted to stop or wait by a Police Constable;

(ii) is obliged to stop so as to prevent an accident; or

(iii) is prevented from proceeding by circumstances outside his control

(h) 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 notwithstanding anything contained in paragraph (b) above as to waiting in the roads or sides of the roads identified and for the periods identified on the plans attached to this Order;

(i) a security vehicle to be used in the course of delivering or collecting cash 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.

7. Nothing in Articles 4 and 5 of this Order shall apply to any vehicle:

(a) being used as part of a wedding or funeral cortege or otherwise in connection with a wedding or funeral; or

(b) being licensed as a hackney carriage whilst waiting at a duly authorised taxi rank as marked on the carriageway.

8. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a 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 wait in any of the lengths of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road).

9. Nothing in Article 4 of this Order shall prevent any person from causing or permitting any vehicle to wait in any of the lengths of road referred to in that Article provided permission has been obtained from North East Lincolnshire Council by means of a waiver to be displayed in the front or nearside of the vehicle and which includes information to enable the driver to be contacted in an emergency 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.

10. Nothing in Article 4 of this Order shall render it unlawful for a taxi to stop or wait in any of the lengths of road identified as No Waiting Except Taxis on the plans attached to this Order.

11. Nothing in Article 5 of 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 may be necessary to enable:

(a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the purpose of any 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 sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;

(b) 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;

(c) the vehicle to be used in the service of the Police, Fire Brigade or Ambulance Service;

(d) is required by law to stop or wait or is permitted to stop or wait by a Police Constable;

(e) is obliged to stop so as to prevent an accident; or

(f) a security vehicle to be used in the course of delivering or collecting cash 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.

PART III
CLEARWAYS
PROVISIONS RELATING TO CLEARWAYS

12. Save as provided in Article 13 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait on any of the main carriageways forming part of the lengths of roads identified as Clearways and school keep clear areas on the plans attached to this Order.

13.1 Nothing in Article 12 of this Order shall apply so as to prevent any vehicle waiting on any main carriageway identified as Clearways or school keep clear areas on the plans attached to this Order for so long as may be necessary to enable the vehicle if it cannot be used for such purpose without waiting on that carriageway, to be used in connection:

(i) with the removal of any obstruction or potential obstruction to traffic;

(ii) with the provisions contained within Article 6(c), (d), (f) and (g) of this Order; and

(iii) to enable a public service vehicle waiting on any main carriageway identified on the plans attached to this Order to wait for as long as may be necessary to enable a person to board or alight from the vehicle at any recognised stopping place;

13.2 Notwithstanding any exemption contained in paragraph (1) of this Article, the person in control of a vehicle waiting on any of the lengths of road identified as Clearways or 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 obstruction.

13.3 No person shall cause or permit any vehicle to wait on any verge or lay-by immediately adjacent to a main carriageway identified on the plans attached to this order for the purpose of selling goods from that vehicle unless the goods are

immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected.

PART IV
GENERAL PROVISIONS RELATING TO THE USE OF ON-STREET PARKING PLACES, LOADING BAY AREAS

14. The parts of the roads identified as Parking places on the plans attached to this Order, are authorised to be used, subject to the following provisions of this Order by the class of vehicle specified, if none specified then all classes of vehicle, on such days and during such hours as identified on the plans attached to this Order and in such positions as indicated by the appropriate road markings.

15. Nothing in Article 14 of this Order shall apply so as to prevent any person from causing any vehicle to wait in the parking place specified in that Article if the vehicle is being used in connection with the provisions contained within Article 6(c), (d) and (f) of this Order.

16. Where in the roads or sides of the roads identified on the plans attached to this Order a parking place is described as available for vehicles of a specified class, in a specified position, or on a specified day, the driver of a vehicle shall not permit it to wait in that parking place:

(a) unless it is of the specified class appropriate to that parking place and that day or;

(b) otherwise than wholly within the limits of a parking bay marked out in that parking place as indicated by white line carriage markings.

17.1 The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans attached to this Order; and

17.2 When a vehicle has left a parking place after waiting thereon, the driver thereof shall not within the period specified in relation to that parking place and as identified on the plans attached to this Order after its leaving permit it to wait again upon that parking place.

18. The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the driver shall be deemed to be the driver of each of the said vehicles.

19. The driver of a vehicle being an invalid carriage, or a disabled person's vehicle which displays in the relevant position a disabled persons' badge, shall be exempt from any limitation on time when left in a parking place (not being a designated disabled parking bay or loading bay area) identified on the plans attached to this Order.

20. The driver of a vehicle displaying at its front or nearside a valid waiver issued by North East Lincolnshire Council shall be exempt from any limitation of time in the lengths of road or on any of the sides of road identified as Parking places identified on the plans attached to this Order when left in a parking place.

21. Notwithstanding the foregoing provisions of this part of the Order, any vehicle may wait during the permitted hours in a parking place (other than a parking place or part thereof the use of which has been suspended under Article 22 of this Order) for so long as may be necessary if:-

(a) the vehicle is a vehicle used for Police, Fire Brigade or Ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or its agent which is being used in pursuance of statutory powers or duties to maintain the highway;

(b) the vehicle (not being a passenger vehicle) is waiting to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance or improvement of the parking place or any works connected with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;

(c) the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one business or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository.

Power to Suspend Use of Parking Places

22.1 Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever the Council considers such suspension reasonably necessary:-

(a) for the purpose of facilitating the movement of traffic or promoting its safety; or

(b) for any purpose specified in section 21(b) of this Order;

22.2 A Police Officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

22.3 Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.

22.4 No person shall cause or permit a vehicle to be left in any part of a parking place during such period as either there is in or adjacent to that part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article.

23. Provided that nothing in Article 22(1) of this Order shall render it unlawful to cause or permit a vehicle to be left in a parking place if it is being used:

(a) for fire brigade, ambulance or Police purposes or in the service of a local authority or its agents in pursuance of its statutory powers and duties to maintain the highway;

(b) or if the vehicle is left with the permission of the person suspending the use of the parking place or part thereof in pursuance of Article 22(1) of this Order, a Police Constable in uniform or Parking Attendant or a person authorised in that behalf by the Council.

24. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 16, 17, 22(4) and 27 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 16(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

25. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it as aforesaid and may take such measures in relation to the vehicle as necessary to enable the vehicle to be removed or to alter the position of the vehicle as the case may be and shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

PART V
LOADING BAY AREAS
PROVISIONS RELATING TO LOADING BAY AREAS

26.1 The parts of the roads identified on the plans attached to this Order as Loading are authorised to be used, subject to the following provisions of this Order, as loading bay areas for vehicles, in such positions and on such days and during such hours as identified on the plans attached to this Order for the purpose of loading and unloading only.

26.2 Nothing in paragraph (1) of this Article shall apply so as to prevent any person from causing any vehicle to wait in the loading bay area specified in that paragraph if the vehicle is being used in connection with the provisions contained within Article 6(c), (d) and (f) of this Order.

27. The driver of a vehicle shall not permit it to wait in a loading bay area for longer than is necessary to enable goods to be loaded or unloaded from a vehicle.

28. Subject to the proviso hereto, when a vehicle is left in the loading bay area in contravention of the provision contained in Article 27 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that loading bay area.

PART VI
DESIGNATED PARKING PLACES FOR DISABLED PERSONS'

29.1 The parts of the roads identified as Disabled parking on the plans attached to this Order and therein designated 'Disabled Badge Holders Only' may be used, subject to the provisions of this part of the Order, as parking places for disabled persons' vehicles, in such positions and on such days and during such hours as so identified.

29.2 Where within a parking place, there is a sign with surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless the vehicle is a disabled persons vehicle.

30. The driver of a vehicle shall exhibit a parking disc on the vehicle in the relevant position and set the disc to indicate a quarter-hour period during which the vehicle arrived at the disabled persons' bay.

31.1 The driver of a vehicle shall not permit it to wait continuously in a disabled person's bay for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans attached to this Order, such period being calculated as commencing from the later time indicated on the parking disc set in accordance with the provisions of Article 30 of this Order and when the vehicle has left that parking place after waiting therein shall not within the period specified in relation to that parking place and identified on the plans attached to this Order after its waiting return to that parking place.

31.2 Where a parking disc exhibited in pursuance of this Order on a vehicle waiting in a disabled person's bay is showing a quarter-hour period, the later time indicated by the disc showing the end of that period shall be treated as evidence that the vehicle has been waiting in that parking place since that later time.

No person shall:-

32.1 After the parking disc exhibited on a vehicle has been set in accordance with Article 30 of this Order,

(a) alter the indications given by that parking disc whilst the said vehicle remains in the disabled person's bay; or

(b) Knowingly exhibit on any vehicle any parking disc which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.

32.2 It shall be assumed, unless the contrary is shown, that the parking disc mentioned in Article 30 is an approved device.

PART VII
CONTRAVENTION OF RESTRICTIONS

33. Where a vehicle has been left in contravention of the restrictions imposed by this Order, a Penalty Charge shall be incurred by the owner / registered keeper, the amount of which will be set by North East Lincolnshire Council under the provisions of the Act of 1991 and the Act of 2004 relating to the Civil Enforcement Area and Special Parking Area.

34. Where a Penalty Charge is payable, a Penalty Charge Notice showing the information required by section 66(3) of the Act of 1991 shall be issued by a Civil Enforcement Officer in accordance with section 78 of the 2004 Act.

Manner of Payment of Penalty Charge Notice

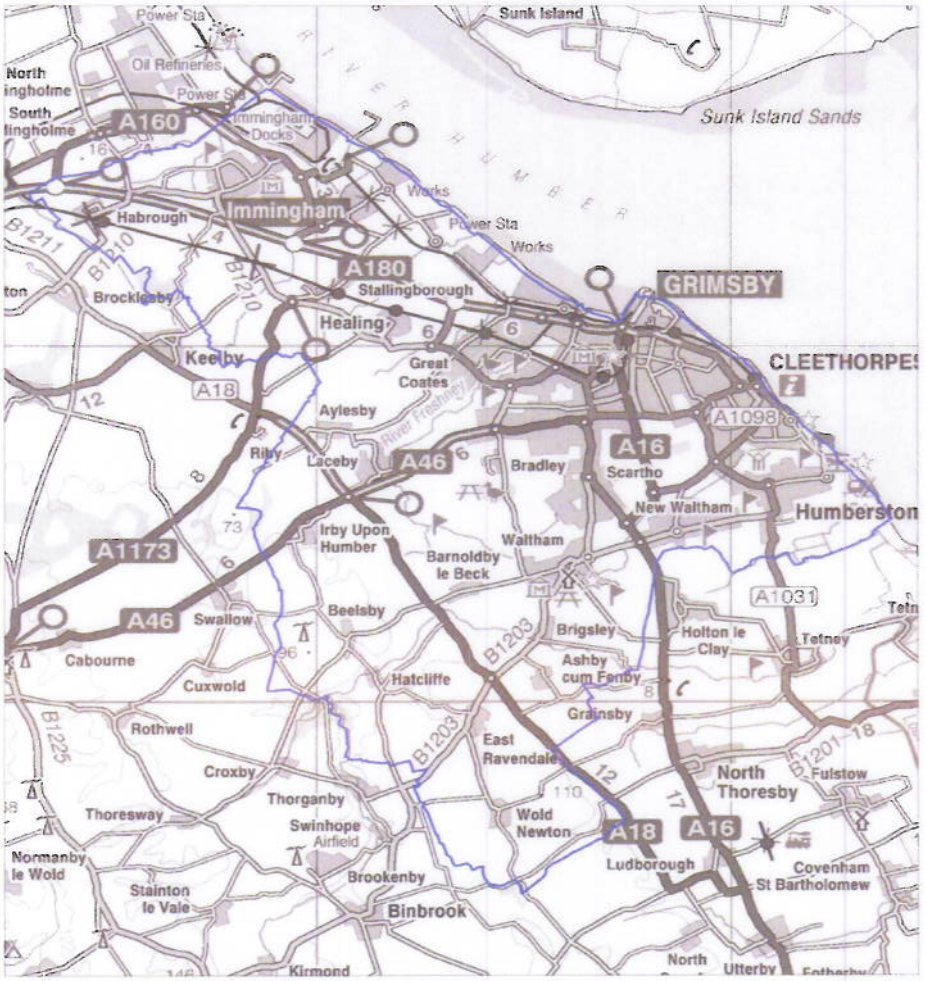
35. The Penalty Charge shall be paid within 28 days payable to North East Lincolnshire Council under the terms referred to in the said Notice.

Restriction on Removal of Penalty Charge Notice

36. 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.

Area of Revocation

37.



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LEGEND

MAP GRID

MAPS - SCHEDULE

THE COMMON SEAL OF THE NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL

was hereunto affixed this

5TH day of

JULY 2010

In the presence of

Head of Legal Services