

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge) (Immingham) (No. 14-33A) Order 2014

The Council of the Borough of North East Lincolnshire, hereinafter referred to as "**the Council**", in exercise of powers conferred on the Council under Sections 1(1) and 2(2) to (3) inclusive, 4(2) 32(1) and 35(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (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 ^{27TH}~~6th~~ day of November, 2014 and may be cited as The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge) (Immingham) (No. 14-33A) Order 2014.

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 :
- (1) "**Civil Enforcement Officer**" has the same meaning as defined in Section 76 of the Traffic Management Act 2004;
 - (2) "**driver**" in relation to a vehicle stopped or waiting on a footway or verge means the person driving or in charge of the vehicle at the time it was left on that footway or verge;
 - (3) "**footway**" has the same meaning as defined in Section 239 of the Highways Act 1980;
 - (4) "**goods**" includes postal packets of any description, and "**delivering**" and "**collecting**" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - (5) "**telecommunications apparatus**" has the same meaning as defined in the Telecommunications Act 1984.
 - (6) "**verge**" means any land forming part of the road which is neither carriageway nor footway.

3 Footway/Verge Parking Restrictions

3.1 Footway or Verge Prohibition

Save as provided in Articles 4.1, 4.2, 4.3 and 4.4 to this Order no person shall except upon the direction of or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to stop or wait at any time on any day of the week on any footway or verge in the lengths of roads or on any of the sides of lengths of road specified in Schedule 1 to this Order.

4 Exemptions

- 4.1 Nothing in Article 3.1 to this Order shall render it unlawful to cause or permit any vehicle to wait on any footway or verge in the roads or in any length or sides of road referred to in those Articles as the case may be for so long as may be necessary to enable a person to board or alight from a vehicle;

4.2

Nothing in Article 3.1 to this Order shall render it unlawful to cause or permit any vehicle to wait on any footway or verge in the roads or in any length or sides of road referred to in that Article for so long as may be necessary to enable the vehicle :

- (1) if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely :
 - (a) building operation or demolition purposes;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
 - (d) the laying, erection, alteration or repair in, or in land adjoining to the said lengths of road or sides of road or any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;
- (2) if it cannot be conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
- (3) to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
- (4) to be used for fire brigade, ambulance or police purposes.

4.3

Nothing in Article 3.1 to this Order shall render it unlawful to cause or permit :

- (1) any vehicle to wait on any footway or verge in the roads or in any length or sides of road referred to in those Articles as the case may be for so long as may be necessary to enable :
 - (a) goods to be loaded onto or to be unloaded from the vehicle;
 - (b) the vehicle to be loaded or unloaded while it is actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (c) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
 - (d) the vehicle to take in petrol, oil or air from any garage situated on or adjacent to the said length of road.

PROVIDED, in each case, that no section of the said length of roads or sides of lengths of road are also governed by restrictions imposed under any other Traffic Regulation Order currently in force.

THE COMMON SEAL OF THE
NORTH EAST LINCOLNSHIRE
BOROUGH COUNCIL

was hereunto affixed this

24TH Day of
NOVEMBER 2014

In the presence of



Authorised Officer



6116

NORTH EAST LINCOLNSHIRE COUNCIL

File Ref : TR101
Order : 14-33A
Date : 17-Nov-2014

Statement of Reasons

<u>Street(s)</u>	Various
<u>District</u>	: Within the town of Immingham
<u>Proposal</u>	: Verge and footway parking prohibition
<u>Reason</u>	To preserve the character of the roadside verges in Immingham which are currently subject to damage through the parking of motorised vehicles.

The Council reserves the right to amend or add to the statement of reasons in light of any objections received.