

# PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT

<b>DATE</b>	9 <sup>th</sup> August 2021
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder Environment & Transport
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot, Executive Director for Environment, Economy and Resources
<b>SUBJECT</b>	Traffic Regulation Order (20-12A) Edward Street / William Street, Cleethorpes – Prohibition of Waiting and Loading.
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	PHET 08/21/05

## CONTRIBUTION TO OUR AIMS

Taking measures to permanently restrict parking on waste collection days will contribute to the Council's aim of improving the Health and Wellbeing of residents by implementing measures that will enable waste collection vehicles to gain access to properties, ensuring that household waste can be collected and removed as necessary.

## EXECUTIVE SUMMARY

Prior to the implementation of Experimental Traffic Regulation Order (ETRO) 20-12, vehicles were previously parking on and opposite the junction of Edward Street with William Street, Cleethorpes, which prevented access by waste operation vehicles, resulting in some scheduled household waste collections being unsuccessful.

Following a successful experimental period, it is proposed to implement a permanent Traffic Regulation Order (TRO) (20-12A) which continues in force indefinitely the provisions of ETRO 20-12 for the introduction of 'No Waiting and 'No Loading' restrictions on Tuesdays and Thursdays (current waste collection days) '7am to 2.30pm' at the above location.

## RECOMMENDATIONS

It is recommended that following consideration of the objections detailed in this report, approval be granted for the making of a permanent Order which reproduces and continues in force indefinitely the provisions of ETRO 20-12 as detailed in Appendix 1 and shown on the drawing to Appendix 2.

## REASONS FOR DECISION

To continue to enable waste operation vehicles to gain access to the affected residential streets to collect household waste.

### 1. BACKGROUND AND ISSUES

- 1.1 A request was previously received from the Portfolio Holder for Environment and Transport to introduce waiting restrictions on William Street and Edward

Street, Cleethorpes to enable NELC waste operation vehicles to gain access.

- 1.2 NELC Waste Services have reported issues with waste operation vehicles, being unable to gain access to properties on Edward Street on their scheduled collection days due to vehicles parking on and opposite the junction with William Street. The frequency of these issues increased significantly in the months of May, June and July 2020.
- 1.3 Following prior approval from the Portfolio Holder for Environment and Transport under Decision Notice DNPH.ETE.6, Experimental Traffic Regulation Order (ETRO) 20-12 was implemented which introduced 'No Waiting' and 'No Loading' restrictions on sections of William Street and Edward Street, Cleethorpes. ETRO 20-12 became operational on 02 September 2020. Experimental Orders cannot continue in force for longer than 18 months. ETRO 20-12 will expire on 01 March 2022.
- 1.4 Within a period of six months, beginning with the day on which ETRO 20-12 came into force (02 September 2020), those affected by the restrictions had the opportunity to object to the making of an Order for the purpose of such indefinite continuation.
- 1.5 Two formal objections were received in relation to the ETRO 20-12 as of 01 March 2021:

Objector 1

*“Objects to making the experimental restrictions permanent on the basis that William Street residents are being penalised for the actions of residents from surrounding streets, who park wherever they wish and block access to Edward Street, including over pedestrian dropped kerbs. This situation is reportedly worsening as more vehicles from other streets have taken to parking on William Street”.*

The objector has also submitted a preference for the introduction of permit parking on William Street to be considered, in order to resolve the access issues for refuse vehicles and improve parking availability for residents.

Rule 243 of the Highway Code states: 'Do not stop or park within 10 metres of a junction'. This rule applies to all vehicles and the proposed restrictions will ensure sufficient area is kept clear for refuse vehicles to easily access the residential streets on collection days.

North East Lincolnshire Council has Special Enforcement Area status and therefore possess the requisite powers to deal with instances of vehicles parked adjacent to a dropped footway. The Council however require the provision of a Traffic Regulation Order and associated Traffic Signs to enforce against vehicles that park at a junction.

Officers are already currently working on a larger project to address reported issues associated with a lack of parking availability for residents across the

wider Cleethorpes area. This scheme of work involves a full review of existing arrangements on all affected streets to identify any outdated restrictions or areas that may require further intervention. In all likelihood, given the reports from NELC Waste Services there would still be a demonstrable need to address parking at this particular junction during collection days, irrespective of any future scheme.

### Objector 2

This objector believes that *“the issues are being caused by residents from surrounding streets – Edward Street, Mill Road and Crowhill Avenue”*.

The objector *“is also concerned about the impact the restrictions have on parking availability for residents - the permanent reduction in parking capacity will continue to make it difficult for residents to find a parking space close to their homes”*.

They have made suggested amendments to the proposals which they feel *“will better suit the needs of local residents:*

- *by reducing the extent of the restrictions to just the junction corners;*
- *by revising the operating hours of the restriction from 7am-2.30pm to 9am-12pm as bins are never collected between 7am-9am”*.

With the exception of some short lengths of restriction that prohibit waiting and loading, William Street and Edward Street is currently unrestricted, allowing space on the carriageway for any driver to park. The absence of permanent restrictions at the junction where these two streets intersect will result in access issues returning for waste operation vehicles as well as sightlines being impeded for other road users.

The purpose of the highway is to allow vehicles to pass and repass and there is no expressed right to park. Where possible the Highway Authority will consider requests to implement a scheme that affords some priority to residents to park however, this will not be to the detriment of other requests to address problems with access or traffic flows.

In order to provide sufficient carriageway space for refuse vehicles to manoeuvre it is essential that both the junction corners are restricted as well as the kerblines opposite. Any parking on the north-easterly kerblines of William Street, opposite the junction with Edward Street, can impede large vehicles turning in to / out of Edward Street. This has the potential to result in footway overrun, vehicle conflict and failed access by waste operation vehicles.

The timings of the restrictions implemented as part of the ETRO are at the direct request of waste operations who, due to the nature of the service they provide, require flexible access. This window takes into account potential delays caused by operational difficulties, road works and vehicle breakdowns etc.

- 1.6 Waste operations have confirmed that the restrictions introduced under the ETRO have proved effective and there are no current issues with vehicles obstructing access for refuse vehicles. They have requested that the measures

remain in situ on a permanent basis as this would be extremely beneficial to the service they provide.

- 1.7 From the period of 02 September 2020 to 08 June 2021 the Councils Civil Parking Enforcement Team have received nine requests to enforce the experimental restrictions. All of which were submitted by one resident.

Officers have visited William Street and Edward Street 196 times as part of their routine patrols of the borough. During those visits, a total of 114 observations were made on vehicles suspected to be parked in contravention of parking regulations or dropped kerbs. Penalty Charge Notices (PCNs) were issued to 72 vehicles, 54 of which were to vehicles contravening the new restrictions. Unfortunately, due to system limitations it is not possible to provide exact location details or the nature of the suspected potential contravention type for the other observations that were carried out, which did not result in a PCN.

## **2. RISKS AND OPPORTUNITIES**

### **2.1 Should the experimental restrictions not be made permanent, the risks are:**

- Access to properties on Edward Street will continue to be obstructed for the waste operation vehicle on scheduled waste collection days.
- Environmental and Public Health considerations associated with delayed / missed waste collection.
- Repeat visits from the refuse department results in additional expense to the Council and can detract available resources from where they may be needed elsewhere in the borough.

### **2.2 Should the experimental restrictions be made permanent, the risks are:**

- Reduced availability of carriageway space for parking and may therefore displace some vehicles into the surrounding streets, which has the potential to create similar conflict issues currently being experienced on William Street and Edward Street.
- If the permanent Order is made blue badge holders would not be exempt unless expressly excluded. The Council has a duty to have due regard to the impact on those with disabilities in general terms it is thought that ensuring that the household waste can be collected is paramount. Disabled badge holders in general are not exempted from any 'No Loading' restrictions throughout the borough.
- The measures will mitigate the immediate concerns associated with refuse collection however, if vehicles start to regularly park at the junction on other 'non-refuse days' no action can be taken by the NELC Civil Enforcement Team. Such parking practices have the potential to limit visibility and ease of access for other larger vehicles who may, from time-to-time, require access.

### **2.3 Should the experimental restrictions be made permanent, the opportunities are:**

- The restrictions which are fully backed by a legal Traffic Regulation Order will enable the NELC Civil Enforcement Team to continue to enforce any vehicles parked in contravention, under the Council's Civil Parking Enforcement (CPE) powers.
- The access issues for refuse vehicles will continue to be resolved resulting in a more efficient service and continuity for residents.

### **3. OTHER OPTIONS CONSIDERED**

- 3.1 **Do nothing** – The Experimental Order would expire on 01 March 2022 and the area would need to revert back to unrestricted parking. This would result in additional cost to remove associated signs and road markings of signs and would not resolve the issues being experienced by the waste operation vehicle gaining access to properties on Edward Street.
- 3.2 **Introduce waiting restrictions in the immediate vicinity** - Double yellow lines or timed limited waiting restrictions would ensure access is available for the waste collection vehicle. However, this would have a significant impact on the availability of on street parking in the area and this option has been discounted in favour of a restriction tailored to the times and days needed.

### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1 It is expected there will be little potential for negative reputational implications resulting from the decision. At the time of this report the proposals have been in place under Experimental Order for 11 months. For the most-part, except for the two objections received, residents appear to be accepting of the measures.
- 4.2 The public has already been given an opportunity to submit representation as part of the Experimental Traffic Order procedure. Following consideration of the two objections detailed in this report there is no further requirement to consult.
- 4.3 If the recommendation is approved, the making of the permanent Order will be formally advertised in accordance with the statutory Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Public notices will be published in the local press and erected on the affected streets to advise that the Council has made the Order.
- 4.4 Associated site-works have already been delivered as part of ETRO 20-12 with the restrictions clearly displayed via the use of road markings and traffic signs. Drivers are therefore expected to have become accustomed to the current on-street arrangements.
- 4.5 The NELC public website will be updated following the decision.
- 4.6 Within 14 days of making a permanent Order, a letter will be sent to those who objected to notify them of the making of the Order and, where the objection has not been wholly acceded to, shall include in that notification the reasons for the decision.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The recommendation does not require any capital expenditure. The cost of any public notices associated with the advertisement of the TRO are covered through the Council's Regeneration Partnership arrangement with ENGIE.

## **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 6.1 The proposals are not expected to have any significant impact on climate change and / or the environment. There is the potential that the proposals may encourage more sustainable travel as residents feel safer to make shorter journeys by other means, whether this be cycling, walking or utilising local bus services.

By ensuring the permanency of the measures it will also reduce the risk of missed waste collections, thereby mitigating against environmental factors associated with the leaving of refuse in the public highway for extended periods of time.

## **7. CONSULTATION WITH SCRUTINY**

- 7.1 There has been no consultation with Scrutiny in relation to this matter.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no direct financial implications to the Council, as the related costs will be incurred by Engie as part of the Regeneration Partnership.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under Section 1 Road Traffic Regulation Act 1984 traffic authorities are empowered to make Traffic Regulation Orders (TROs) for (inter alia) the reasons set out at the beginning of this report. Section 2 specifies what TROs may require and the recommended order is within those powers.
- 9.2 The procedure for making TROs is set out in Schedule 9 Part III of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 9.3 If it is decided to make the TRO notwithstanding any objections once made it can only be challenged by Judicial Review in the Administrative Court.

## **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications

## **11. WARD IMPLICATIONS**

The proposals relate to issues solely within the Croft Baker Ward.

## **12. BACKGROUND PAPERS**

Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

<http://www.legislation.gov.uk/uksi/1996/2489/made>

Road Traffic Regulation Act 1984  
<http://www.legislation.gov.uk/ukpga/1984/27>

The Highway Code  
<https://www.gov.uk/guidance/the-highway-code>

**13. CONTACT OFFICER(S)**

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Debbie Swatman – Traffic Team Manager – ENGIE  
Telephone: (01472) 324514

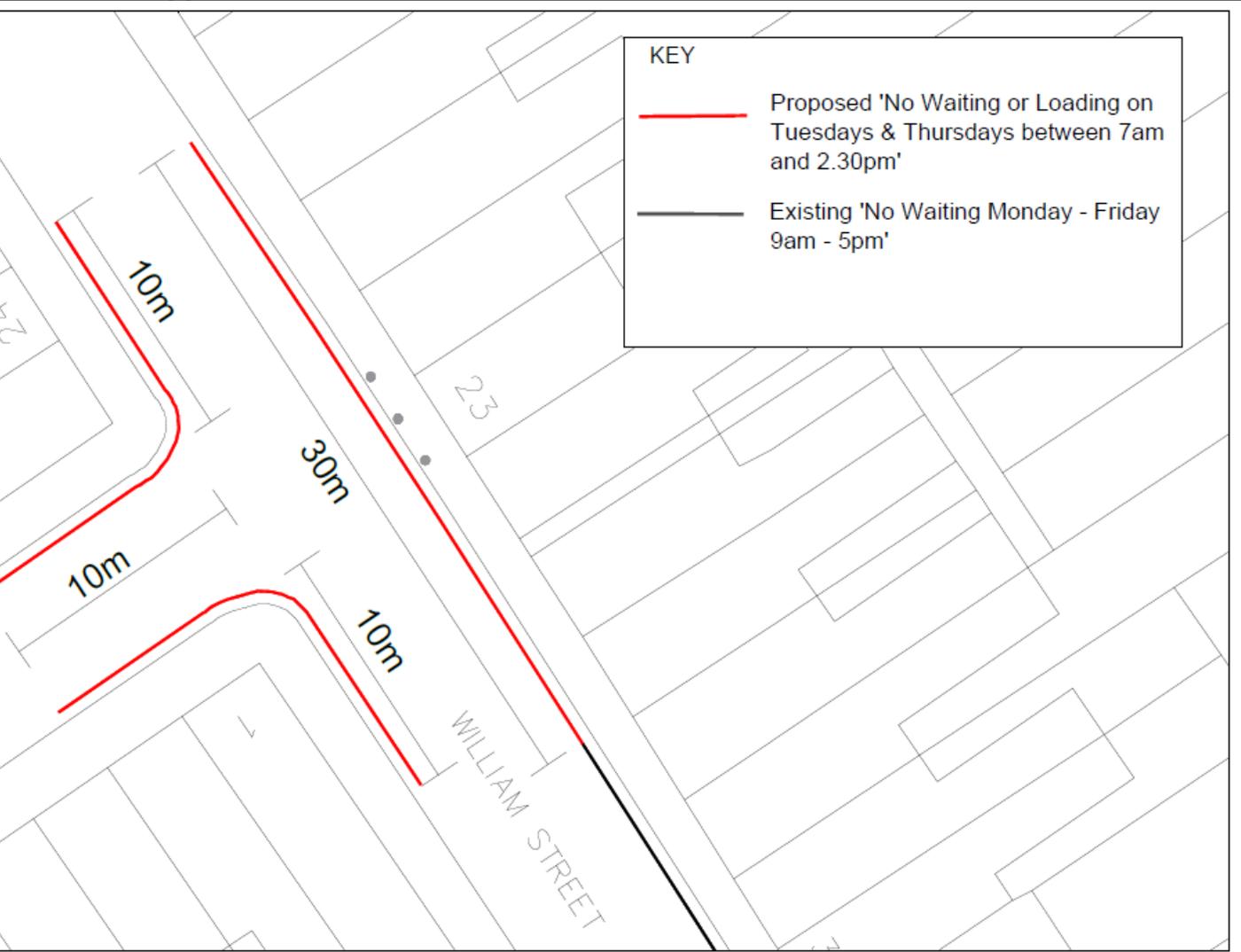
**COUNCILLOR STEWART SWINBURN**  
**PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT**

## APPENDIX 1

### “No Waiting or Loading on Tuesdays and Thursdays between 7am and 2.30pm”

<b>STREET</b>	<b>SIDE</b>	<b>LENGTHS OF ROAD</b>
William Street	North-east	From a point 10 metres north-west of the northern kerbline of Edward Street to a point 12 metres south-east of the southern kerbline of Edward Street.
William Street	South-west	From a point 10 metres north-west of the northern kerbline of Edward Street to the northern kerbline of Edward Street.
William Street	South-west	From the southern kerbline of Edward Street to a point 10 metres south-east of the southern kerbline of Edward Street.
Edward Street	Both	From the south-west kerbline of William Street to a point 10 metres south-west of the south eastern kerbline of William Street.

Appendix 2



	DLS	Aug20
	DLS	Jul20
	Drawn	Date

PROJECT  
20-12 Edward Street, Cleethorpes  
Experimental Traffic Regulation Order

TITLE  
Extent of 'No Waiting or Loading on  
Tuesdays & Thursdays 7am - 2.30pm'  
Restriction

DRAWN DLS	APPROVED	FILE NAME
FILE REF. 20-12	DATE 15/07/20	DRAWING No. TR-20-12/ 002B
ORIGINAL SIZE A3 (297 x 420)	SCALE NTS	

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NORTH EAST LINCOLNSHIRE COUNCIL