



LEICESTER CITY COUNCIL
THE LEICESTER (EXPERIMENTAL) TRAFFIC REGULATION
(BRAUNSTONE GATE) (NIGHT TIME TAXI RANK) ORDER 2015

Leicester City Council (hereinafter referred to as "the Council") in exercise of their powers under Section 9 of the Road Traffic Regulation Act 1984 ("The Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby make the following Order:-

1. This Order may be cited as the Leicester (Experimental) Traffic Regulation (Braunstone Gate) (Night time Taxi Rank) Order 2015 and shall come into operation on the 13th September 2015.

INTERPRETATION

1.
 - i) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
 - ii) For the purposes of this Order:- The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:
 - "the Act of 1984" means the Road Traffic Regulation Act 1984; (as amended)
 - "the 2000 Regulations" means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 683); as amended by SI 2000/1507;
 - "the 2004 Act" means the Traffic Management Act 2004; (as amended)
 - "the 2007 Act" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the Civil Enforcement of Parking Contraventions (Guidelines on Level of Charges) (England) Order 2007. (As amended by Si 2008 1513)
 - "authorised officer" means a Civil Enforcement Officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof,
 - "causes" includes permits;
 - "controlled hours" means the hours during which enforcement may be carried out;
 - "Council" means the Leicester City Council.
 - "CEO" means a Civil Enforcement Officer as defined in the 2004 Act or any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“Disabled Persons Badge” and “Holder” has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and includes similar badges issued by other European Member States.

“driver” means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council’s satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper;

“higher level contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Invalid Carriage” has the same meaning as in Section 136 of the 1984 Act.

“loading” or “loading & unloading” means the loading of goods on to or the removing of goods from a vehicle for the time being stationary on the highway and which by virtue of the weight, size, value or quantity of the goods requires the vehicle to be stationary at that location. Loading or unloading is only deemed to be taking place if either

- a. There is continuous activity involved in loading or unloading goods in the vicinity of the vehicle or,
- b. Goods have been or are about to be loaded or unloaded on to the vehicle and are in transit between the vehicle and their destination or origination point, provided that the vehicle is located as close as is practicable to that destination or origination point and that the vehicle remains there only for so long as is absolutely necessary to achieve the movement of the goods between the vehicle and the origination or destination point.
- c. loading does not include picking up or setting down passengers.

“lower level contraventions” means all parking contraventions which are not higher level contraventions; as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“motor car” means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984 and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide;

“motor cycle” means a mechanically propelled vehicle as defined in Section 136(4) of the Act of 1984 but having no more than three wheels;

“motor vehicle” means an independent powered vehicle including but not limited to motor cars and motor cycles as defined and a motor vehicle constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 3050kg;

“Owner” in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper.

“Parking Contravention” applies to offences detailed in Schedule 7, Part 4 of the 2004 Act.

“Penalty Charge” and “Reduced Penalty Charge” means a charge set by the Council under the provisions of the 2004 Act and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

"PCN" means a penalty charge notice issued or served by a CEO pursuant to the provisions of the 2004 Act.

"permit" means a permit issued by the Council in accordance with the Council's Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket, but displaying the issued permit in the relevant position.

"public holiday" means Bank Holidays and all present and future public holidays as defined by the Cambridge dictionary;

"relevant legislation" means the Road Traffic Regulation Act 1984 as amended, the Traffic Management Act 2004 as amended, the Civil Enforcement of Parking Contraventions (England) Act 2007 as amended by (SI 2008 1513), any future enactments and any Regulations made thereunder;

"serve" in respect of a Penalty Charge Notice means the forms of service specified in regulations 9 and 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, including the service of PCNs by post or any amendment or re-enactment thereof; "taxi" means a Hackney Carriage vehicle licensed under section 37 of the Town Police Clauses Act 1847

"taxi" means a Hackney Carriage vehicle licensed under section 37 of the Town Police Clauses Act 1847

"Vehicle Immobilisation and removal" has the same meaning as that contained in the Traffic Management Act 2004 (S79)

PART I

Penalty Charge for Contravention

1. If a motor vehicle is left in a position in contravention of or non compliance with this Order a penalty charge shall be payable by the owner of the vehicle.
2. The penalty charge or reduced penalty charge shall be the sum of the following amounts:-
 - (i) The penalty charge for higher level contraventions- band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the Penalty Charge Notice.
 - (ii) All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.
 - (iii) the reduced penalty charge - a fifty percent reduction of the penalty charge is subject to the payment being received within 14 days beginning with the date of issue of the Penalty Charge Notice.
 - (iv) If no payment is made within 28 days of the serving of the Penalty Charge Notice the Council will issue a Notice to Owner advising of the unpaid charge.
 - (v) If no payment is made within 28 days of serving the Notice to Owner the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time). This will result in the penalty charge being increased by fifty percent.

3. Service of the Penalty Charge Notice, Notice to Owner or Charge Certificate by post is deemed effective on the second working day after the date of posting.
4. Where a contravention has occurred a Civil Enforcement Officer may attach to the vehicle in a conspicuous position or hand to the driver a Penalty Charge Notice which shall comply with the requirements of Regulation 9 and the schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).
5. Where a penalty charge has been incurred, a Penalty Charge Notice may be issued by post by the enforcement authority if the owner of the motor vehicle drives the motor vehicle away before the Civil Enforcement Officer has issued a Penalty Charge Notice or the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice, such a Penalty Charge Notice shall comply with the requirements of of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).
6. Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the Penalty Charge Notice not later than 4.30pm by the date specified on the Penalty Charge Notice but should the said office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm on the next full working day.
7. The particulars given in the Penalty Charge Notice attached to the motor vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
8. In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver.

PART II

Restrictions on Removal of a Notice

1. When a notice has been attached to a motor vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the motor vehicle.

PART III

Motor Vehicle Removal (TMA S.79)

1. If a motor vehicle is parked in contravention of any of the foregoing provisions of this Order the Council may remove the motor vehicle from the highway or arrange for such removal.
2. Any person removing, or causing the removal of, a motor vehicle by virtue of this Article, may do so by towing or driving the motor vehicle or in such other manner as he may think reasonably necessary to enable the motor vehicle to be removed.
3. Any person removing a motor vehicle by virtue of this Article shall make such arrangements as he considers being reasonably necessary for the safety of the vehicle in the place to which it is removed.
4. A motor vehicle will be stored for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Leicester City Council as it sees fit.

5. Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle and if not paid will be recoverable as a civil debt.

PART IV GENERAL

1. For the purpose of this order unless otherwise stated the location of a restriction identified in of Schedule 1 which refers to a measurement from a junction shall be construed as a measurement from the intersection of the highway boundaries on the side of the junction in which direction the measurement is prescribed. Where a restriction identified in of schedule 1 is stated as commencing from or extending to a junction with another road it shall be construed as starting from or extending to a point at the intersection of the centrelines of the two road
2. This Order may be modified or suspended by the Director of Planning, Transport and Economic Development if it appears to him essential in the interests of the expeditious, convenient and safe movement of traffic in accordance with Section 10(2) of the Act.

PART V Conditions and Exclusions.

- 1i. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 of this Order to which a restriction applies in a manner contrary to that restriction provided that the person is acting upon the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.
- ii. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 of this Order to which a restriction applies in a manner contrary to that restriction if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- iii. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 of this Order to which a restriction applies in contravention of that restriction to enable the vehicle, if it cannot conveniently be used for such purpose on any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or re-construction of any of the lengths of road or to enable work by any undertaker to be carried out relating to any pipe, cable, sewer or apparatus in or on that road.
- iv. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 of this order to which a restriction applies in contravention of that restriction to enable the vehicle to gain access to an off street parking place.
- 2.i. It shall not be a contravention to cause or permit a vehicle to wait or to load and unload on any length of road specified in Schedule 1 of this Order to which a waiting or loading restriction applies provided that the person is acting upon the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.
- ii. It shall not be a contravention to cause or permit a vehicle to wait or to load and unload on any length of road specified in Schedule 1 of this Order to which a waiting or loading restriction applies if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- iii. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable a person to board or alight from such vehicle.

- iv. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable postal packets to be loaded or unloaded from a postal vehicle.
- v. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 of this Order to which a waiting or loading restriction applies in contravention of that restriction to enable the vehicle, if it cannot conveniently be used for such purpose on any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or re-construction of any of the lengths of road or to enable work by any undertaker to be carried out relating to any pipe, cable, sewer or apparatus in or on that road.
- vi. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 of this Order to which a street parking place order applies, in contravention of the conditions applicable to that parking place if the vehicle displays a valid permit issued by the Council to allow the vehicle to wait at that location.

In witness whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto affixed this 2nd day of September 2015.

THE COMMON SEAL of THE LEICESTER)
CITY COUNCIL was hereunto affixed the)
day and year first before written:-)



Authorised Signatory

94724



SCHEDULE 1
Traffic Restrictions

BRAUNSTONE GATE
North west Side

- (1) No person shall cause or permit a vehicle to wait between the hours of 7.30am and 6.00pm other than on the instruction of a police officer or Civil Enforcement Officer. From a point 84m South-west of its junction with Foxon Street to a point 74m South-west of its junction with Foxon Street.
- (2) No Person shall cause or permit a vehicle to wait or to load and unload or to pick up or set down a passenger between 6.00pm and 7.30am the following day in any road or length of road to which this restriction is applied except for hackney carriages licensed by Leicester City Council. Vehicles must be parked wholly within the taxi rank bay marked on the carriageway. From a point 84m South-west of its junction with Foxon Street to a point 74m South-west of its junction with Foxon Street.