



**LEICESTER CITY COUNCIL  
THE LEICESTER (LEE STREET AREA OVERNIGHT PARKING ORDER)  
(EXPERIMENTAL) TRAFFIC ORDER 2016**

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 1984 Act") and of Parts I to III of Schedule 9 to the 1984 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 1984 Act hereby make the following Order:-

**Section 1  
General**

**Citation and Commencement.**

1. (i) This Order shall come into force on the 27<sup>th</sup> September 2016 and may be cited as "The Leicester (Lee Street Area Overnight Parking Order) (Experimental) Traffic Order 2016".
- (ii) Upon coming into force the existing traffic restrictions at the same locations described in the attached schedule 1 imposed by The Leicester (Consolidation) Traffic Regulation Order 2006 (as amended) are hereby suspended and replaced by the restrictions specified in the schedule below for the duration of this Order.
- (iii) The Order may be modified or suspended by the Director of Planning, Transportation and Economic Development if it appears to him essential in the interests of the expeditious, convenient and safe movement of traffic or of the provision of suitable and adequate parking facilities on the highway in accordance with Section 10(2) of the 1984 Act.

**Interpretation**

2. (i) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (ii) For the purposes of this Order:-

"City" means the City of Leicester.

"Contravention" means a failure to comply with road traffic restrictions set out in this Order that may result in the issue of a penalty charge notice.

"Council" means the Leicester City Council.

"disabled person" means a disabled person provided with a disabled persons blue badge issued and used in accordance with The Chronically Sick & Disabled Persons Act 1970 and The Disabled Persons (Badges For Motor Vehicles) (England) Regulations 2000.

"disabled person's badge" and "holder" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles) (England) Regulations 2000 and includes similar badges issued by other European Member States.

"driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place and in all other cases means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

"emergency service vehicle" means a vehicle operated by the police, fire & rescue service or ambulance service.

"enactment" includes any Act, Order or regulation made under any Act.

"immobilisation device" has the same meaning as defined in section 104(9) of the Road Traffic Regulation Act 1984.

"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.

"motor cycle" and "motor vehicle" have the meaning as in section 136 of the 1984 Act.

"offence" means a failure to comply with restrictions set out in this Order that may result in the issue of a fine under any Enactment that makes any provision of this Order a criminal offence.

"one way street" means a highway in which the driving of vehicles otherwise than in one direction is prohibited.

"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

"civil enforcement officer" means a person authorised by or on behalf of the Council to carry out the enforcement of parking restrictions and conditions as defined in Section 76 of the Traffic Management Act 2004.

"pedal cycle" means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act.

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Part 6 (Civil Enforcement of Traffic Contraventions) of the Traffic Management Act 2004 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.

"penalty charge notice (pcn)" means a notice issued or served by a civil enforcement officer pursuant to the provisions of Part 6 (Civil Enforcement of Traffic Contraventions) of the Traffic Management Act 2004.

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

"Undertaker" has the meaning as in section 48 of The New Roads And Street Works Act 1991

- 3 (i) Any reference in this Order to a road by its name shall be construed as a reference to the road in the City bearing that name.
  - (ii) Any reference to a part number in this Order shall be construed as a reference to the traffic restriction detailed in Section 2, 3, 4, or 5 bearing that part number.
  - (iii) The restrictions detailed in Column 2 of Sections 2, 3, 4 or 5 shall be subject to such conditions as may be specified in column 3 by a number referring to a condition defined in Section 7 of this Order
  - (iv) the restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any other enactment.
4. The locations, roads or lengths of road specified in Column 2 of Schedule 1 of this Order shall be subject to the restrictions set out in Column 1 of Schedule 1 identified by the part number. To assist in identifying the location of any manoeuvre restrictions a summary of the restriction may be included in the location description in Column 2 of Schedule 1, regardless of that summary the restriction shall be defined by the full description of that restriction contained in Section 2 of the Order.
  5. For the purpose of this Order unless otherwise stated the location of a restriction identified in Column 2 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 column 2 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 roads.
  6. Unless otherwise stated all restrictions specified in this Order shall be deemed to apply to the whole of the highway at the locations specified including any carriageway, central reservation, footway, verge or other land forming part of that highway.

## Section 2 Traffic Manoeuvre Restrictions

Column 1	Column 2	Column 3
Part 100	<b>ONE WAY TRAFFIC RESTRICTION</b> No person shall drive or cause or permit to be driven any vehicle on any length of road to which this restriction is applied otherwise than in the direction specified. Provided that this restriction shall not apply to a mechanical street cleansing vehicle between the hours of 11.00pm and 7.00am the following day.	1i

## Section 3 Waiting Restrictions

Column 1	Column 2	Column 3
Part 200	No person shall cause or permit a vehicle to wait or to load or unload at any time on any of the roads or lengths of road specified to which this restriction is applied.	2i, 2ii, 2iii, 2iv, 2v, 2vi
Part 207	No person shall cause or permit a vehicle to wait at any time on any of the roads or lengths of road specified to which this restriction is applied.	2i, 2ii, 2iii, 2iv, 2v, 2vi
Part 211	No person shall cause or permit a vehicle to wait between 7.30am and 6.00pm on any of the roads or lengths of road specified to which this restriction is applied.	2i, 2ii, 2iii, 2iv, 2v, 2vi

Part 215 No person shall cause or permit a vehicle to wait between 7.30am and 6.00pm Monday to Saturday on any of the roads or lengths of 2i, 2ii, 2iii, 2iv, road specified to which this restriction is applied. 2v, 2vi

#### **Section 7** 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 Column 2 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.
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 Column 2 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 Column 2 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 Column 2 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 Column 2 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 Column 2 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 reconstruction 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 Column 2 of this Order to which a waiting restriction applies for up to 3 hours with return prohibited within a further consecutive period of 1 hour where the restriction is a prohibition of waiting and for any length of time where the restriction is a limit on the duration for which waiting is permitted provided that the vehicle is displaying a disabled persons blue badge in accordance with the rules appertaining to the issuing of such a badge or a disabled persons blue parking card issued in accordance with the rules of any member State of the European Community. Provided that no such vehicle shall wait where a prohibition of loading and unloading is in force, in a bus lane or in a loading only bay.
- vii. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 Column 2 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.

#### **Section 8** Permits

1. The Council may at its discretion when satisfied that it is expedient to do so issue permits to allow vehicles to wait or to load and unload on sections of road in a manner contrary to the restrictions imposed on that section of road or to allow the use of parking places on a road by specified classes of vehicle or by specific persons.
2. The Council may issue such permits either free of charge or on payment of such fees as the council may from time to time determine.
3. The Council may from time to time make rules as to the issuing and use of permits and permits issued will only be valid if issued and used in accordance with those rules.
4. Any permit issued remains the property of the Council and must be returned to the Council if required.
5. Only original permits issued by the Council shall have the effect of allowing a vehicle to wait or to load or unload in contravention of the waiting or loading restrictions or to park in a permit controlled parking place. Copies or facsimiles of permits howsoever produced shall not have such effect.
6. Permits must be clearly displayed at all times that a vehicle occupies a parking place requiring the display of a permit. On any vehicle fitted with a front windscreen the permit must be displayed on that front windscreen in a manner which allows the details of the permit to be clearly seen from outside of the vehicle. On vehicles not fitted with a front windscreen the permit must be displayed in such a position as to make the details of the permit clearly visible from outside of the vehicle. Only permits displayed in this manner will have the effect of allowing a vehicle to wait or to load or unload in contravention of the waiting or loading restrictions or to use the permit controlled parking place.
7. All permits issued by the Council intended to be used to allow a vehicle to enter a restricted street or to wait or to load or unload on part of a road contrary to the waiting or loading restrictions or to wait in a part of a road where the display of a permit is required shall be marked with the registration number of the vehicle and shall only be valid when displayed on the vehicle bearing that registration number, except when the Council issues a permit for a non specified vehicle.

#### Section 10

##### Contraventions & Enforcement of Restrictions Imposed By This Order.

1. If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of Section 3 of this Order, a penalty charge may be payable and /or the vehicle may be immobilised or removed from that location.
2. Enforcement of waiting, loading and parking prohibitions and restrictions set out in sections 3 of this Order will be carried out by civil enforcement officers employed by or on behalf of Leicester City Council by the issuing of penalty charge notices. Enforcement and the issuing of penalty charge notices will be undertaken as prescribed in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and will be subject to such rules regulations and guidelines that may be prescribed from time to time by the Secretary of State for Transport.
3. The level of penalty charge to be imposed including any discounts or increases due to early or late payment will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation.
4. Vehicles parked in contravention of waiting, loading and parking prohibitions and restrictions may also be either fitted with an immobilisation device or be removed to a storage facility subject to such rules regulations and guidelines as may be issued by the Secretary of State for

Transport. The fees to be paid for the removal of an immobilisation device or the return of the vehicle to its owner will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation. The Council may require the payment of all outstanding penalty charges incurred by the owner of a vehicle before removing an immobilisation device or returning a vehicle to its owner.

5. Moving traffic offences relating to the manoeuvre restrictions set out in Section 2 of this Order will be enforced by such uniformed officers employed by the Chief Constable for Leicestershire as specified in legislation. In addition any contraventions that the Secretary of State determines may be dealt with under civil enforcement powers may be dealt with by officers appointed by or on behalf of Leicester City Council in accordance with any rules, regulations or guidelines that may be prescribed.

#### Section 11

##### Validity

1. If a Court, the Department for Transport, the National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable; such declaration shall not invalidate the remainder of the Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 22nd Day of September 2016

EXECUTED AS A DEED by )  
LEICESTER CITY COUNCIL by )  
affixing its Common Seal the day )  
year first before written )

Authorised Signatory



96399

## SCHEDULE 1

### TRAFFIC RESTRICTIONS

ROADS ARE LISTED IN ALPHABETICAL ORDER

FOR DETAILS OF THE TRAFFIC RESTRICTION IDENTIFIED BY EACH PART  
NUMBER REFER TO SECTIONS 2 AND 3 OF THE ORDER

#### LAYOUT

COLUMN 1

COLUMN 2

**RESTRICTION  
IDENTIFIED BY  
PART NUMBER**

**LOCATION WHERE RESTRICTION APPLIES**

**SCHEDULE 1**

(Roads Subject to Experimental Restrictions)

**Bedford Street South**

**North-west side**

Part 211 from a point 7 metres south-west of its junction with Gower Street to a point 22 metres south-west of its junction with Gower Street

**Byron Street**

**South-west Side**

Part 211 from a point 25 metres south-east of its junction with Bedford Street South to a point 8 metres south-east of its junction with Bedford Street South

**Clyde Street**

**East Side**

Part 211 from a point 33 metres north of its junction with Erskine Street to a point 10 metres north of its junction with Erskine Street

**Dryden Street**

**South-east Side**

Part 211 from a point 65 metres north-east of its junction with Old Milton Street to a point 51 metres north-east of its junction with Old Milton Street

Part 211 from a point 41 metres north-east of its junction with Old Milton Street to a point 32 metres north-east of its junction with Old Milton Street

Part 211 from a point 25 metres north-east of its junction with Old Milton Street to a point 5 metres north-east of its junction with Old Milton Street

**Earl Street**

**West Side**

Part 215 from a point 23 metres south of its junction with Eldon Street to a point 5 metres south of its junction with Eldon Street

**Eldon Street**

**South Side**

Part 211 from a point 8 metres west of its junction with Wharf Street South to a point 24 metres west of its junction with Wharf Street South

## **Erskine Street**

### **South Side**

- Part 215 from a point 61 metres east of its junction with Wharf Street South to a point 32 metres east of its junction with Wharf Street South
- Part 215 from a point 26 metres east of its junction with Wharf Street South to a point 10 metres east of its junction with Wharf Street South

## **Fleet Street**

### **South Side**

- Part 211 from a point 6 metres west of its junction with Wharf Street South to a point 20 metres west of its junction with Wharf Street South

## **Gower Street**

### **North-east Side**

- Part 211 from a point 21 metres south-east of a point opposite the south-east side of its junction with Bedford Street South to a point 5 metres south-east of a point opposite the south-east side of its junction with Bedford Street South

### **South-west Side**

- Part 211 from a point 5 metres south-east of its junction with Belgrave Gate to a point 20 metres south-east of its junction with Belgrave Gate

## **Lee Street**

- Part 100 from its eastern junction with Fleet Street to a point 45 metres east of its junction with St James Street in that direction
- Part 100 from a point in line with the west side of its junction with Hill Street to a point in line with the west side of its junction with Byron Street in that direction

### **Inner Side**

- Part 211 from a point 12 metres north-west of a point opposite the west side of its junction with Hill Street to a point 3 metres north-west of a point opposite the west side of its junction with Hill Street
- Part 211 from a point 48 metres east of a point opposite the east side of its junction with Fleet Street to a point 53 metres south of its eastern junction with Fleet Street
- Part 211 from a point 35 metres south-east of its eastern junction with Fleet Street to a point 6 metres south-east its eastern junction with Fleet Street



## **Vestry Street**

### **West Side**

- Part 211 from a point 36 metres south of its junction with Humberstone Gate to a point 13 metres south of its junction with Humberstone Gate

## **Wharf Street South**

### **East Side**

- Part 211 from a point 23 metres south of its junction with Erskine Street to a point 13 metres south of its junction with Erskine Street

### **West Side**

- Part 211 from a point 6 metres south of its junction with Fleet Street to a point 68 metres north of its junction with Eldon Street
- Part 207 from a point 68 metres north of its junction with Eldon Street to a point 41 metres north of its junction with Eldon Street
- Part 211 from a point 41 metres north of its junction with Eldon Street to a point 15 metres north of its junction with Eldon Street
- Part 200 from a point 15 metres north of its junction with Eldon Street to its junction with Eldon Street
- Part 211 from a point 30 metre north of its junction with Humberstone Gate to a point 21 metres north of its junction with Humberstone Gate

## **Wilton Street**

### **North-east Side**

- Part 211 from a point 5 metres south-east of its junction with Belgrave Gate to a point 23 metres south-east of its junction with Belgrave Gate

