



Leicester City Council (Various Streets, Leicester) (Mandatory No Stopping - School Entrance Clearway) Traffic Regulation Order 2019 (2924)

Leicester City Council (hereinafter referred to as "the Council") in exercise of their powers under sections 1, 2, 3, 4 and 5 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of Part IV of Schedule 9 to the 1984 Act and of all other enabling powers including the Traffic Management Act 2004 as amended (whether generally or in relation to the area of the Council) ("the 2004 Act") 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 28th May 2019 and may be cited as "Leicester City Council (Various Streets, Leicester) (Mandatory No Stopping – School Entrance Clearway) Traffic Regulation Order 2019".

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: -

"Approved Device" has the same meaning ascribed to it by Regulation 2 of the Civil Enforcement of Parking Regulations (Approved Devices) (England) Order 2007 (SI No. 3486)

"Bus" has the same meaning as defined in Schedule 1 of Regulation 2 of the Traffic Signs Regulations and General Directions 2016 as amended.

"City" means the City of Leicester.

"Civil Enforcement Officer" or "CEO" has the same meaning ascribed to it by Section 76 of the 2004 Act

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

"Council" means the Leicester City Council.

"Designated parking place" means any part of a road specified in Column 2 of Schedule 1 to this Order, provided by the Council under section 45 of the 1984 Act being a restriction defined in Column 2 of Section 5 of this Order.

"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 persons 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 1984 Act.

"Legally qualified medical practitioner" has the same meaning as in section 52 of the Medical Act 1956.

"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

"Parking place" means any part of a road specified in Column 2 of Schedule 1 to this order, provided by the Council under section 32 of the 1984 Act.

"Parking Regulations" Means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI No. 3483)

"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 in relation to a Parking Contravention payable in accordance with Regulation 4 of the Parking Regulations.

"Penalty Charge Notice (PCN)" has the meaning ascribed to it by Regulation 8 of the Parking Regulations.

"Permit" means a permit issued by or on behalf of the Council under the provisions of section 8 of this Order.

"Permit holder" means a person to whom a permit has been issued under the provisions of section 8 and schedule 2 of this Order.

"Permitted hours" means the period specified in column 2 of section 5 being the period during which a designated parking place restriction is applied.

"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, 5 or 6 bearing that part number.
 - (iii) The restrictions detailed in Column 2 of Sections 2, 3, 4, 5 or 6 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 6 Clearway Restrictions

Column 1	Column 2	Column 3
Part 502	SCHOOL ENTRANCE CLEARWAY (ZIG ZAG). No Person shall stop or cause or permit a vehicle to stop or to wait or load or unload in any of the prohibited areas on any of the roads or lengths of road specified to which this restriction is applied between the hours of 8.00am and 5.00pm Monday to Friday during School term time. For the purpose of this restriction a prohibited area is an area of road to which this restriction is applied which is marked in accordance with diagram 1027.1 of The Traffic Signs Regulations and General Directions 2016 (as amended). On any road or part of a road to which this restriction is applied and to which any other waiting restriction is applied this restriction shall prevail during the period 8.00am and 5.00pm Monday to Friday during School term time.	3i, 3ii, 3iii, 3iv.

Section 7 Conditions and Exclusions.

- 3.i. It shall not be a contravention to cause or permit a vehicle to stop on any length of road specified in Schedule 1 Column 2 of this Order to which a clearway 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 a contravention to cause or permit a vehicle to stop on any length of road specified in Schedule 1 Column 2 of this Order to which a clearway restriction applies in a manner contrary to that restriction in any case where the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control.

- iii It shall not be a contravention to cause or permit a vehicle to stop on any length of road specified in Schedule 1 Column 2 of this Order to which a clearway restriction applies in a manner contrary to that restriction if the vehicle is being used to remove an obstruction from the carriageway.
- iv It shall not be a contravention to cause or permit a vehicle to stop on any length of road specified in Schedule 1 Column 2 of this Order to which a clearway restriction applies in a manner contrary to that restriction if the vehicle is being used in the service of the Council in exercise of its statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to be stopped at that place.

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 Sections 3,4,5 and 6 of this Order, a penalty charge may be payable, and /or the vehicle may be immobilised or removed from that location.
2. Enforcement of No Stopping, waiting, loading and parking prohibitions and restrictions set out in sections 3, 4, 5 and 6 of this Order will be carried out by either an Approved Device or by a CEO 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 by the Traffic Management Act 2004 (as amended) 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 No Stopping, 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 an Approved Device and 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.

Section 12

Revocation of Former Orders and Parts of Former Orders.

- 1.i The Leicester (Consolidation) Traffic Regulation Order 2006 (as amended).
- ii Permanent Revocation in Part; Each Order specified in Section 12 (1.i) of this Order is hereby revoked in Part insofar as it relates to any Road or Roads specified in any Schedules to this Order
- ii Where any document refers, whether specifically or by means of a general description, to a provision of an Order revoked by this Order or is to be construed as so referring, the reference shall, where the context otherwise requires, be construed as or as including, a reference to the corresponding provision of this Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 8th day of May 2019.

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



Authorised Signatory

101510

SCHEDULE 1

TRAFFIC RESTRICTIONS

Roads are listed in Alphabetical Order

Andrewes Street (East side)

- Part 502 From its junction with West Holme Street heading in a northerly direction for a distance of 31.6 metres.

Avenue Road Extension (North-west side)

- Part 502 From a point 10.6 metres north-east of its junction with Lorne Road heading in a north-easterly direction for a distance of 25.6 metres.

Cuffling Drive (North side)

- Part 502 From a point 28 metres west of its junction with Liberty Road heading in a westerly direction following the kerb alignment for a distance of 31.6 metres.

Downing Drive (North-west side)

- Part 502 From a point opposite the prolongation of the south-western kerb line of Kilverstone Avenue heading in a north-easterly direction for a distance of 31.6 metres.
- Part 502 From a point 1 metres south-east of the prolongation of the south-western kerb line of Chatteris Avenue heading in a south easterly direction for a distance of 25.6 metres

Eastfield Road (East side)

- Part 502 From a point 44.5 metres north of its junction with Hinckley Road heading in a northerly direction for a distance of 25.6 metres.

Ethel Road (South side)

- Part 502 From a point 10 metres west of its junction with Plymouth Drive heading in a westerly direction for a distance of 37.6 metres.

Evington Drive
(East side)

- Part 502 From a point 1.3 metres south of its junction with Ethel Road heading in a southerly direction following the kerb alignment for a distance of 63.3 metres.

Glenfield Road
(North-east side)

- Part 502 From a point 74.2 metres north-west of its junction with Letchworth Road heading in a north westerly direction for a distance of 25.6 metres.

(South-west side)

- Part 502 From a point 55 metres north-west of its junction with Letchworth Road heading in a north-westerly direction for a distance of 31.6 metres.

Guthlaxton Street
(South-east side)

- Part 502 From a point 26.5 metres north-east of its junction with Oxendon Street heading in a north-easterly and then north-westerly following the kerb alignment for a distance of 25.6 metres terminating 5 metres into Pluto Close.

Gwendolen Road
(South-west side)

- Part 502 From a point 50 metres south-east of its junction with Nansen Road heading in a south-easterly direction for a distance of 51.3 metres.

- Part 502 From a point 141.8 metres south-east of its junction with Nansen Road heading in a south-easterly direction for a distance of 37.6 metres.

(South-east side)

- Part 502 From its junction with Gwendolen Road (access road to 451 - 461 Gwendolen Road) heading in a south-westerly direction for a distance of 43.6 metres.

Headland Road
(South-west side)

- Part 502 From a point 170.4 metres north-west of its junction with Hawthorne Drive heading in a north-westerly direction for a distance of 81.3 metres.

Hillsborough Road

(South side)

- Part 502 From a point 36.9 metres east of its junction with Monmouth Drive heading in an easterly direction following the kerb alignment for a distance of 43.6 metres.

(South-east side)

- Part 502 From a point 23.9 metres south-west of its junction with Silsden Rise heading in a south-westerly direction following the kerb alignment for a distance of 25.6 metres.

Ingle Street

(West side)

- Part 502 From a point 21.4 south-west of its junction with Beatrice Road heading in a south-westerly direction for a distance of 51.3 metres.

- Part 502 From a point 98.2 south-west of its junction with Beatrice Road heading in a south-westerly direction for a distance of 31.6 metres.

Latimer Street

(South-east side)

- Part 502 From a point 9.8 north-east of its junction with Shaftesbury Road heading in a north-easterly direction for a distance of 31.6 metres.

Marydene Drive

(South-east side)

- Part 502 From a point 13.4 metres south-west of its junction with Newhaven Road heading in a south-westerly direction following the kerb alignment for a distance of 51.3 metres.

Melbourne Road

(West side)

- Part 502 From a point opposite the prolongation of the southern kerb line of Diseworth Street heading in a northerly direction for a distance of 57.3 metres.

Moat Road

(North-east side)

- Part 502 From a point 6.7 metres south-east of its junction with Orson Street heading in a south-easterly direction for a distance of 37.6.

Monmouth Drive
(East side)

Part 502 From a point 26 metres south of its junction with Hillsborough Road heading in a southerly direction for a distance of 43.6 metres

Nedham Street
(South-west side)

Part 502 From a point 5.2 metres north-west of its junction with Upper Charnwood Street heading in a north-westerly direction for a distance of 37.6 metres.

Orson Street
(South-east)

Part 502 From a point 55.9 metres south-west of its junction with St Saviour's Road heading in a south-westerly direction for a distance of 37.6 metres.

Oxendon Street
(North side)

Part 502 From a point 7.7 metres west of its junction with Melbourne Road heading in a westerly direction for a distance of 25.6 metres.

Pluto Close
(East side)

Part 502 From a point 30.2 metres north-east from its junction with Guthlaxton Street following the kerb alignment, heading in a north-easterly direction for a distance of 25.6 metres.

Shaftesbury Road
(North-east side)

Part 502 From a point 4.9 metres south-east of its junction with Latimer Street heading in a south-easterly direction for a distance of 25.6 metres.

Spencefield Lane
(North-west side)

Part 502 From a point 215.5 metres north-east of its junction with Whitehall Road heading in a north-easterly direction for a distance of 37.6 metres.

Stonesby Avenue
(South-west side)

Part 502 From a point 48.7 metres south-east of its junction with Trenant Road heading in a south-easterly direction for a distance of 63.3 metres.

Stoughton Street
(North-west side)

Part 502 From a point 16.9 metres north-east of its junction with Oxendon Street heading in a north-easterly direction for a distance of 43.6 metres.

Tatlow Road
(South-west side)

Part 502 From a point 19 metres north-west from its junction with Liberty Road heading in a north-westerly direction for a distance of 51.3 metres.

Taylor Road
(East side)

Part 502 From a point 4 metres north of its junction with Montreal Road heading in a northerly direction for a distance of 25.6 metres.

Upper Charnwood Street
(West side)

Part 502 From its junction with Nedham Street heading in a south-westerly direction for a distance of 43.6metres.

Ventnor Street
(North-west side)

Part 502 From a point 21.5 metres south-west of its junction with St Saviour's Road heading in a south-westerly direction for a distance of 37.6 metres.

Whitehall Road
(North-east side)

Part 502 From a point 88.9 metres north-west of its junction with Landscape Drive heading in a north-westerly direction for a distance of 43.6 metres.