

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

(OFF-STREET PARKING PLACES) ORDER 2010

North West Leicestershire District Council in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act, the Traffic Management Act 2004 and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and of all other enabling powers, with the consent of the Leicestershire County Council in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1 - GENERAL

Title and Date of Operation

1. This Order shall come into operation on the 14th June 2010 be cited as the North West Leicestershire District Council (Off-Street Parking Places) Order 2010.

Revocations

2. The following Order is hereby revoked:

The North West Leicestershire District Council (Off-Street Parking Places) Order 2008.

Interpretation

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
5. 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;

"the 2000 Regulations" means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682); as amended by SI 2000/1507;

"car park" means any of the parking places specified by name in column 1 of Schedule 1 to this order;

"car park notice" means the notice that is displayed in each car park and describes the conditions contained in the Schedules to this Order under which a vehicle may be left in the car park;

"causes" includes permits;

"charging hours" means any period for which a charge is specified;

"Council" means the Council of North West Leicestershire District or its representative;

"disabled person's badge" means, a badge in the form prescribed by regulation 11 the 2000 Regulations, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7 of those regulations and is currently in force;

"dispensation" means an authorisation, in writing, issued by the Council that entitles a specified motor vehicle to park in a car park which had been closed pursuant to Article 21 of this order for a defined time;

"driver" means the registered keeper of the vehicle registered with the DVLA at the time that the offence 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;

"motor car" means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984;

"motor cycle" means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984 but having no more than two wheels;

"owner" means the legally responsible person or organisation;

"civil enforcement officer " means 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;

"parking place" means the area or areas of land specified by name in column 1 of Schedule 1 to this order.

"parking space" means a space in the car park, marked on the surface of the car park by lines or indicated by signs, which is provided for the parking of vehicles;

"parking ticket" means the ticket issued by means of the ticket machine indicating the vehicle registration mark of the vehicle on which it may be used and the period of its validity;

"permit" means a permit issued by the Council in accordance with the Council's Terms and Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park, or car parks, without displaying a parking ticket;

"relevant position" means exhibited on the dashboard or fascia of the vehicle, in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle;

"season ticket" means the ticket issued by the Council in accordance with the Council's Terms and Conditions for Issuing Season Tickets for the time being in force indicating the vehicle registration mark of the vehicle on which it may be used, the car park, or car parks, in which it may be used and the period of its validity;

"ticket machine" means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the vehicle must leave the car park;

"trailer" means an independent non powered towable apparatus not exceeding 2.00 metres in height, 5.5 metres in length or 2.5 metres wide;

"trailer unit" means a trailer remaining attached to a motor vehicle whilst parked;

"vehicle" means a motor car except in the case of motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kg.

Use of Land and Parking Place

6. Each area of land specified by name in the Schedule may be used at all times, subject to the following provisions of this Order, as a parking place for vehicles on such days and for such periods as are specified in the Schedule. No person shall, unless authorised in writing by the Council, use any parking place so named for any other purpose.
7. In so far as a vehicle is parked in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in Schedule 2 to this Order and on the relevant car park notice.
8. Save as provided below, no person shall, except upon the direction or with the permission of the Council, cause any vehicle to wait in any parking place, unless it is displaying, in the relevant position, a parking ticket, season ticket or permit valid for that car park at that time or a valid disabled person's badge.

Maximum Length of Stay for Vehicles Using Parking Places

9. No vehicle shall be allowed to remain in a car park for longer than the maximum time permitted, nor may a vehicle return to any car park until after the expiry of the time specified in Schedule 1 to this Order and displayed on the car park notice, except for drivers displaying in the relevant position a season ticket or permit for that car park or a valid disabled persons badge.
10. No vehicle may be permitted to remain in a car park after the time for that car park to be open has expired.

Restrictions on Use of Parking Places

11. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or services, except with the written consent of the Council.
- (2) No person shall use any part of a parking place or any vehicle parked in a parking space -
 - (a) for sleeping or camping or cooking; or
 - (b) the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking space.
 - (c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress.

12. (1) A vehicle shall not be permitted to wait in a car park other than in a parking space. Except with the permission of the Council, every part of the vehicle must be within the limits of the parking space and not more than one vehicle shall occupy any one such parking space.
- (2) Except with the permission of the Council, every part of a trailer must be parked within the limits of one parking space. A trailer unit must occupy no more than two parking spaces. Separate parking tickets must be purchased for both the motor vehicle and trailer and must be displayed in the relevant position(s).
- (3) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by disabled persons, visitors, council officials, season ticket holders, permit holders or other such class of persons as specified in the car park no vehicle shall be permitted to stand or wait in the parking space unless it is displaying a valid disabled person's badge, season ticket, ticket or appropriate permit in the relevant position.
- (4) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by a particular class of vehicle, no vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
- (5) No vehicle may be parked in such a manner that it obstructs any other vehicle.
13. Where in the car park or any part thereof, signs are erected or surface markings are laid for the purpose of: -
- (a) indicating an entrance to or exit from the car park or any part thereof; or
- (b) indicating that a vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof
- no person shall drive or permit to be driven any vehicle (i) so that it enters the car park or any part thereof, otherwise than by the entrance, or leaves the car park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.
14. (1) Notwithstanding that a vehicle has displayed a parking ticket for less than the maximum permitted for a car park, as indicated by the car park notice, a further parking ticket may not be displayed on that vehicle until the vehicle has left the car park and returned after the expiry of the time specified for that car park in the Schedule to this Order and displayed on the car park notice.
- (2) No vehicle shall display a parking ticket that has been previously displayed on another vehicle.
- (3) No vehicle shall display a parking ticket that is not specific to either one of the car parks in Coalville or one of the car parks in Ashby de la Zouch in which it may be used.
- (3) No vehicle shall display any parking ticket, season ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.

Exemptions from Payment

15. Any vehicle left in a parking place that is displaying a disabled person's badge in the relevant position shall be exempt from the payment of any charge specified in column 5 of Schedule 1 to this Order.
16. Any motorcycle left in a parking place shall be exempt from the payment of any charge specified in column 5 of Schedule 1 to this Order.

Penalty Charge for Use of Parking Places

17. (1) If a vehicle is left in a parking place in contravention of or non compliance with this Order a penalty charge shall be payable by the driver of the vehicle.
- (2) The penalty charge or reduced penalty charge shall be in the sum of the following amounts:-
 - a. The penalty charge – 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.
 - b. The reduced penalty charge – a fifty percent reduction of the penalty charge subject to payment being received within 14 days beginning with the date of issue of the penalty charge notice.
 - c. On the issue of a charge certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time) the penalty charge shall be increased by fifty percent.
- (4) Service of a penalty charge notice or charge certificate by post is deemed effective on the second working day after the day of posting.
- (5) Where a penalty charge has been incurred 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 (England) General Regulations 2007 (as amended or superseded from time to time) and regulation 3(2) of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- (6) 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 vehicle drives the 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 Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).
- (7) 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.

- (8) The particulars given in the penalty charge notice attached to the vehicle or sent by post in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
18. 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.

Restrictions on Removal of a Notice

19. When a notice has been attached to a 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 vehicle.

Vehicle removal

20. (1) If a vehicle is parked in a parking place in contravention of any of the foregoing provisions of this Order the Council may remove the vehicle from that parking place or arrange for such removal.
- (2) Any person removing, or causing the removal of, a vehicle by virtue of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the vehicle to be removed.
- (3) Any person removing a 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 the 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 so paid will be recoverable as a civil debt.

Power of the Council to Close Parking Places

21. (1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the car park or any part thereof and when the operation of the parking place or part thereof is suspended, the Council shall display a notice or notices to that effect at the car park and at the ticket machines.
- (2) When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension, except for an ambulance or any vehicle being used in the service of a fire brigade or police force, or any vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
- (3) If at any time the Council shall require a parking place or part thereof for any purpose whatsoever (including its use as a private parking place in connection with a particular event) then the right of any person to park any vehicle thereon shall

immediately terminate until the Council shall no longer require the parking place or part thereof.

Liability of the Council

22. The Council shall not be liable in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle waiting or moving in or entering or leaving or otherwise using the parking place.

The COMMON SEAL of the)

NORTH WEST LEICESTERSHIRE)

DISTRICT COUNCIL was)

hereunto affixed on this 2nd day of)

June 2010 in the presence of:)

Elisabeth Waneish)
Interim Head of Legal and Democratic Services



12108.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
THE DISTRICT OF NORTH WEST LEICESTERSHIRE (OFF-STREET PARKING PLACES) ORDER,
2010
SCHEDULE 1

Name of parking place	Controlled Hours	Charged Hours (excluding Bank Holidays - unless otherwise specified)	Maximum period for which vehicles may wait during charged hours	Scale of charges during controlled hours
1	2	3	4	5
Brook Street Car Park, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
Hood Park Leisure Centre, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
North Street Car Park, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
Leicestershire County Council Library Car Park, North Street, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
Hood Park Overspill Car Park, Ashby de la Zouch	All Days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
North Street Car Park Extension, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
South Street Car Park A, Ashby de la Zouch	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
The Royal Hotel Car Park, Station Road, Ashby de la Zouch	All days	Monday to Sunday inclusive At all times and including Bank Holidays	No limit	As specified in Schedule 2 Part 3 to this Order
Borough Street Car Park, Castle Donington	All days	-	No limit	-
Clapgun Street Car Park, Castle Donington	All days	-	No limit	-
Hillside Car Park, Castle Donington	All days	-	No limit	-
Belvoir Shopping Centre/Bridge Road Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
Belvoir Shopping Centre/Needhams Walk Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
Belvoir Shopping Centre/Market Hall Car Park, Coalville (part)	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order

Name of parking place	Controlled Hours	Charged Hours (excluding Bank Holidays – unless otherwise specified)	Maximum period for which vehicles may wait during charged hours	Scale of charges during controlled hours
1	2	3	4	5
Belvoir Shopping Centre/North Service Road Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
James Street Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
London Road Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
Council Offices Car Park, Whitwick Road, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit 30 minute free parking – no return within 2 hours	As specified in Schedule 2 Part 2 to this Order
Margaret Street Car Park, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	3 hours with no return within 2 hours	As specified in Schedule 2 Part 1 to this Order
Leicestershire County Council Library Car Park, High Street, Coalville	All days	0800 hours to 1700 hours Monday to Saturday inclusive	No limit	As specified in Schedule 2 Part 1 to this Order
Gladstone Street Car Park, Ibstock	All days	-	No limit	-
High Street Car Park, Ibstock	All days	-	No limit	-
High Street Car Park, Measham	All days	-	No limit	-
Peggs Close Car Park, Measham	All days	-	No limit	-
Blackfordby Lane Car Park, Moira	All days	-	No limit	-
The Green Car Park, Thringstone	All days	-	No limit	-
City of Dan Car Park, Whitwick	All days	-	No limit	-
Market Place Car Park, Whitwick	All days	0800 hours to 1700 hours Monday to Saturday inclusive	One hour no return for 2 hours	Up to 1 hour – free Over 1 hour – not permitted
Silver Street Car Park, Whitwick	All days	-	No limit	-
Vicarage Street Car Park, Whitwick	All days	-	No limit	-

Sch. 1 – Off-Street Parking Places

SCHEDULE 2

Scale of Charges for Use of Car Parking Places (including Value Added Tax)

Part 1

MONDAY TO SATURDAY (INCLUSIVE)

	Tariff Short Stay	Tariff Long Stay
Up to 1 hour	50p	50p
Up to 2 hours	80p	80p
Up to 3 hours	£1.20	£1.20
Over 3 hours	Not permitted	£2.00

Part 2

MONDAY TO FRIDAY (INCLUSIVE)

	Tariff Long Stay
Up to half hour visitors only	Free
Up to 1 hour	50p
Up to 2 hours	80p
Up to 3 hours	£1.20
Over 3 hours	£2.00

SATURDAY

	Tariff Long Stay
Up to 1 hour	50p
Up to 2 hours	80p
Up to 3 hours	£1.20
Over 3 hours	£2.00

Part 3

MONDAY TO SUNDAY (INCLUSIVE)

	Tariff 24 Hours
Up to 2 hours	£1.00
Up to 3 hours	£2.00
Up to 8 hours	£3.00
24 hour charge	£4.00

Part 4

Season Tickets

- i) Validity 6 days Monday to Saturday
£90 per 13 week period
- ii) Validity 5 days Monday to Friday school term time only during the hours of 8.30am – 9.30am and 2.45pm – 3.45pm
£20 per school term
£50 per annum

