

I certify that this is a true copy of the original

.....*M. J. James*.....
Legal Services Manager

DISTRICT COUNCIL
THE DISTRICT OF BLABY (OFF-STREET PARKING PLACES)
(VARIATION) ORDER 2008

Blaby District Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32, 35 and 38 and Part I to V of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 (as amended) (whether generally or in relation to the area of the Council) ("the 1991 Act") and all other enabling powers and with the consent of Leicestershire County Council in accordance with Section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act and the Area Traffic Commissioner under Part V or Schedule 9 to the Act, hereby make the following Order:

PART I
General

1. The Order shall come into operation on the 1st day of April 2008 and may be cited as the District of Blaby (Off-Street Parking Places) (Variation) 2008.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

"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.

"Council" means Blaby District Council.

"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.

"Lower level contraventions" means all parking contraventions which are not higher level contraventions

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

"Motorcycle" and "Motor Vehicle" have the meaning as in Section 136 of the 1984 Act.

"Parking Place" means any area of land specified by name in column 1 of Schedule 1 to this Order, provided by the Council under Section 32(1) of the 1984 Act for use as a parking place.

"Penalty Charge" has the meaning given in Section 82(1) of the 1991 Act.

"Penalty Charge Notice" (PCN) means a penalty charge notice issued or served by a parking attendance pursuant to the provisions of Section 66 of the 1991 Act.

"Relevant legislation" means the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Traffic Management Act 2004 and any Regulations made there under.

"Residents permit holder" means a person whose vehicle is displaying residents permit issued by the Council and used in accordance with the regulations laid down by the Council for its use.

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as if it applies to the interpretation of an Act of Parliament.

PART II

Regulation of the use of parking place

4. Each of the areas of land specified in Column 1 of Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order as a parking place as such motor vehicles or classes of motor vehicles on such days during such hours as are specified in relation to that area in the said Schedule 1.
5. The areas of land to be used as a parking place to which this Order applies and the classes of vehicles permitted to use them and the times of operation as set out in Schedule 1 to this Order may be varied from time to time as determined by resolutions of the Council.
6. The driver of any motor vehicle in a parking place shall comply with any instructions given, whether orally or by person duly authorised in that respect by the Council, by directions, signs or in any other manner as to the route to be followed within the parking place.

7. Where in accordance with the provisions of this Order a parking place is described available for motor vehicles of specified classes, the driver of a vehicle shall not permit it to wait in that parking place unless it is of one of the specified classes.
8. The Environmental Protection Manager or other authorised officer of the Council as designated by the Chief Executive of the Council may from time to time designate spaces in a parking place as being reserved for the official use of the Council.
9. A driver of a vehicle using a parking place shall not park the vehicle in any position other than within one of the spaces in the parking place indicated by white lines or by signs or otherwise as being reserved for vehicles, and in particular such a driver shall not park the vehicle on any space indicated by appropriate markings as being reserved for official use or a Disabled Persons Badge Holder unless they are such a holder, to keep clear and not park the vehicle in such a position as to impede the free access to and egress from the parking place.
10. In the absence of any such parking place or the indication of such parking spaces by white lines, signs or otherwise, a driver of a vehicle using any such parking place shall park the vehicle in an orderly manner so as to maximise the use of such parking places and shall not park the vehicle in such a position as to impede the free access to and egress from the parking place.
11. The driver of a motor vehicle shall not permit it to wait in any of the parking places specified in Schedule 1 to this Order for longer than the maximum waiting period specified in Column 4 of Schedule 1.
12. The driver of a motor vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the Driver such a Policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

PART III

Penalty charge at parking places

13. Any contravention or non compliance with any provision of this Order by the driver will result in the issuing of and liability for a penalty charge as detailed in Schedule 2 of this Order.
14. In the event of the driver failing to pay the 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 notice was incurred requiring the owner to supply the identity of the driver.

15. If a motor vehicle is left in a parking place in contravention of or without complying with any Article of this Order then a Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking Place.
16. Where a penalty charge has been incurred an authorised officer may attach to the vehicle in a conspicuous position a penalty charge notice ("PCN") which shall comply with the requirements of the 1991 Act.
17. The Penalty Charge shall be paid in accordance with the instructions specified on the PCN issued by the Council.
18. The particulars given in the PCN attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such a penalty charge.
19. When a PCN has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person, not being the driver of the vehicle or a duly authorised representative of the Council shall remove the PCN from the vehicle unless authorised to do so by the driver.
20. If no payment is received within 28 days of the issue of a PCN the Council will issue a Charge Certificate in accordance with the provisions of paragraph 6 of Schedule 6 of the 1991 Act.

PART IV Other provisions

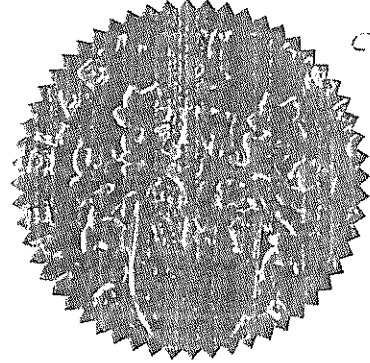
21. When a motor vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order, any person duly authorised by the Council or any person acting on the instructions of a duly authorised person, may clamp or remove the vehicle or arrange for it to be clamped or removed within or from that parking place and neither such person nor the Council shall be responsible for any loss or damage to the vehicle or to anything contained therein or thereon arising from, or in consequence of, the exercise of the powers contained in this Article. Any expenses incurred by the Council in clamping or removing the vehicle within their parking place shall be recoverable by the Council.
22. Any person duly authorised by the Council may move or cause to be moved in case of emergency to any place he thinks fit, vehicles left in a parking place.
23. Any person moving or removing a vehicle by virtue of the last two preceding Articles of the Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid and shall make such

arrangements as may be reasonably necessary for the safe custody of the vehicle.

24. Notwithstanding the provisions of this Order, the Council may by notice displayed on or near a parking place close that parking place or any part thereof for any period either generally or in respect of a particular class or classes of vehicles and the driver of any vehicle or of a particular class or classes of vehicle shall not without authority of the Council use the parking place when it has been so closed.
25. The Council shall not be responsible for any loss or damage to any vehicle or to anything contained therein or thereon from any cause whatsoever, whilst entering within or leaving a parking place.
26. Unless authorised in writing by the Council so to do, no person shall, within a parking place, sell or attempt to sell any article to persons in or near the parking place, or sell or offer for hire his skill and services and shall not use a vehicle or anything towed by a vehicle whilst it is in a parking place or any part of a parking place for such purposes or for the purpose of any exhibition and no vehicle shall be advertised for sale whilst it is standing in a parking place.
27. Except with the written authority of the Council, no person shall use a vehicle, or anything towed by a vehicle, while it is in a parking place for domestic purposes or as a place of habitation.
28. The driver of a vehicle while it is in a parking place shall not carry out or permit to be carried out any work of cleaning maintenance or repair to the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.
29. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any parking place shall be guilty of an offence under this Order and in addition to the penalty provided by Section 35 of the Act shall be liable for the cost of the repair of the damage.
30. The following vehicles left in a parking place shall be exempt from the payment of any charges for exceeding the maximum permitted waiting time:
 - (a) an invalid carriage
 - (b) a vehicle which displays a Disabled Person's Badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 including similar badges issued by other European Member States
 - (c) a residents permit holder.

IN WITNESS whereof the Blaby District Council have caused the Common Seal to be hereunto affixed the 1st day of April 2008.

THE COMMON SEAL of the BLABY)
DISTRICT COUNCIL was hereunto)
affixed the day and year first before)
written)



B. W. ...
HEQTL SERVICES MANAGER

District of Blaby (OFF STREET PARKING PLACES) (VARIATION) ORDER 2008

Name	Class of Vehicle allowed	Day and time of operation*	Maximum waiting period
Blaby - Enderby Road	Motor Cycles and Motor Vehicles having dimensions not greater than Length 5 metres, Width 2 metres, Height 2 metres	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	3 hours – return prohibited within 3 hours
Blaby – Johns Court	as above	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	3 hours – return prohibited within 3 hours
Narborough – Leicester Road	as above	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	1 hour – return prohibited within 2 hours
Narborough – The Grange	as above	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	1 hour – return prohibited within 2 hours
Enderby - Leisure Centre	as above	at all times	6 hours – return prohibited within 3 hours
Huncote - Leisure Centre	as above	at all times	6 hours – return prohibited within 3 hours
Blaby – Wigston Road	as above	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	10 hours – return prohibited within 3 hours
Narborough – Station Road	as above	Between the hours of 8am and 6pm Monday to Saturday. No limit at all other times	10 hours – return prohibited within 3 hours
Countesthorpe - Central Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours

Schedule 2

Countesthorpe - Main Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Croft - Winston Avenue	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Enderby – John Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Enderby - King Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Glenfield - Stamford Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Glenfield - Station Road	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Kirby Muxloe – Castle Road	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Narborough – Weavers Court	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Stoney Stanton – Long Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Stoney Stanton – St Michaels Court	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Whetstone – High Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Blaby – Bouskell Park	as above	at all times	Dawn to Dusk
Sharnford – Fosse Meadows	as above	at all times	Dawn to Dusk
Enderby – Jubilee Park	as above	at all times	Dawn to Dusk

* subject to the direction of an authorised officer of the Council as provided by Article 23 of this Order

THE DISTRICT OF BLABY (OFF STREET PARKING PLACES) (VARIATION)
ORDER 2008
SCHEDULE 2

The penalty charge for higher level contraventions will be set at Band 2 as defined in the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof.

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 any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.

If no payment is made within 28 days of the serving of a Penalty Charge Notice the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.