

BLABY DISTRICT COUNCIL
THE DISTRICT OF BLABY
(OFF-STREET PARKING PLACES) REPLACEMENT ORDER 2009

Blaby District Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32, 35 and 38 of the Road Traffic Regulation Act 1984 and Part I to V of Schedule 9 to the 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 and the Area Traffic Commissioner under Part V of Schedule 9 to the Act, hereby makes the following Order: -

PART 1 - GENERAL

- 1 This Order shall come into operation on the 2nd February 2009 and may be cited as "The District of Blaby (Off-Street Parking Places) Replacement Order 2009" and shall revoke all previous Orders.

Interpretation

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

"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,

"bicycle" means a non powered vehicle with two wheels attached to a frame, one behind the other;

"car park" means the area or areas of land, specified by name in the Schedule and defined by the plans attached in that Schedule;

- "car park notices" means the notice that is displayed in each car park and describes the conditions contained in the Schedule to this Order under which a motor vehicle may be left in the car park;
- "causes" includes permits;
- "charging hours" means any period for which a charge is specified;
- "controlled hours" means enforcement may be carried out during these times;
- "Council" means the Blaby District Council;
- "designated limited waiting area" means any area within the boundary of any car park that is signed indicating a restricted waiting time;
- "disabled person's badge" means, a badge in the form prescribed by regulation 11 in 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 26 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 and not exceeding 2 metres in height, 5 metres in length or 2 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 two wheels;
- "motor vehicle" means an independent powered vehicle including but not limited to motor cars and motor cycles as defined, and not exceeding 2 metres in height, 5 metres in length or 2 metres wide;
- "owner" means the legally responsible person or organisation;
- "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 motor vehicles;
- "parking ticket" means the ticket issued by means of the ticket machine;
- "relevant legislation" means the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Traffic Management Act 2004 and any Regulations made thereunder;
- "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;

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

"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 or any amendment or re-enactment thereof;

"season ticket" means the ticket issued by the Council indicating the vehicle registration mark of the motor vehicle on which it may be used, the car park 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 motor vehicle must leave the car park;

PART 2 - REGULATIONS

Use of land and car park

- 5 The Environmental Protection Group 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.
- 6 Each area of land specified by name in Schedules 1 and 2 may be used at all times subject to the following provisions of this Order as a car park for motor vehicles on such days and for such periods as are specified in Schedules 1 and 2. No person shall unless authorised in writing by the Council use any car park for any other purpose.
- 7 In so far as a motor vehicle is parked in a car park during the charging hours the driver thereof shall pay such charge or charges as are specified in the Schedule of Charges (Schedule 1) as provided in this Order and on the relevant car park notices.
- 8 Where an area within the car park is defined as for use by a specific type of vehicle and where an adjacent sign indicates that that type of vehicle may park within that defined area without payment, then the driver of that type of vehicle shall not be required to obtain or display a parking ticket. Any maximum time limit for parking within the car park shall apply to the said vehicle.
- 9 No motor vehicle or bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any car park.

- 10 No motor vehicle shall enter or remain within the boundaries of any car park if it does not display in the correct position a motor vehicle road fund licence valid for that motor vehicle at that time. Any motor vehicle found to be displaying an invalid motor vehicle road fund licence may be removed from the car park and stored off site in accordance with 24(1)- 24(5)
- 11 Any motor vehicle deemed unroadworthy by virtue of not having a current Ministry of Transport motor vehicle roadworthiness certificate valid for that motor vehicle at that time, may be removed from the car park and stored off site in accordance with 24(1)- 24(5).
- 12 Any object other than a motor vehicle placed within the boundaries of any car park without prior permission will be removed and stored off site in accordance with 24(1)- 24(5).
- 13 Save as provided below, no person shall, except upon the direction or with the permission of the Council, cause any motor vehicle to wait in any car park, unless it is displaying, in the relevant position, a parking ticket or permit valid for that car park at that time or a valid disabled person's badge.

Maximum Length of Stay for Motor Vehicles Using Car Parks

- 14 During the controlled times no motor vehicle shall be allowed to remain in a car park for longer than the maximum time permitted for that car park, nor may a motor vehicle return to that car park until after the expiry after departure of two hours, or such time stipulated in Schedules 1 and 2 attached, except for drivers holding a permit for that car park.
- 15 Motor cycles may park in any designated motor cycle bay.
- 16 No motor vehicle may remain in a designated limited waiting area, for longer than the time specified for that designated limited waiting area.

Restrictions on Use of Parking Spaces

- 17 (1) No person shall use a motor vehicle, while it is in a car park, in connection with the sale of any article to persons in or near the car park or in connection with the selling or offering for hire of his or her skills or services, except with the written consent of the Council.
- 18 (1) No person shall use any part of a car park or any motor vehicle parked in a parking space -

- (a) for sleeping or camping or cooking; or
- (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the car park; or
- (c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress.

- 19
- (1) A motor 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 motor vehicle must be within the limits of the parking space and not more than one motor vehicle shall occupy any one such parking space. In car parks where there are no marked parking spaces, drivers shall ensure that they park in a manner that does not impede access to and egress from the car park, nor obstruct other vehicles
 - (2) 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, no motor vehicle shall be permitted to stand or wait in the parking space unless it is correctly displaying a valid disabled person's badge in the relevant position.
 - (3) 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 motor vehicle, no motor vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
 - (4) No motor vehicle may be parked in such a manner that it obstructs any other motor vehicle.

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- (1) 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 motor vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof

- (2) no person shall drive or permit to be driven any motor 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.

- 21
- (1) No motor vehicle shall display a parking ticket that had been previously displayed on another motor vehicle or in another car park.
 - (2) No motor vehicle shall display any parking ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
 - (3) If an enforcement officer has reasonable cause to believe that a document or article carried on a motor vehicle, or by the driver or person in charge of a motor vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the motor vehicle to deliver up the document or article.

Penalty Charge at Parking Places

- 22
- (1) 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 Notice shall be served by an authorised officer and/or the vehicle may be removed from that location or Parking Place.
 - (2) Where a penalty charge has been incurred an enforcement officer shall serve the Penalty Charge Notice to the vehicle by attaching it to the vehicle in a conspicuous position.
 - (3) The Penalty Charge shall be paid in accordance with the instructions specified on the PCN issued by the Council.
 - (4) 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.
 - (5) 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.

(6) IN THE EVENT OF THE DRIVER FAILING TO PAY A PENALTY CHARGE WITHIN 28 DAYS 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.

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~~(6) 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.~~

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Restrictions on Removal of a Notice

- 23 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.

Motor Vehicle and Object Removal

- 24
- (1) If a motor vehicle is parked in a car park in contravention of any of the foregoing provisions of this Order the Council may remove the motor vehicle from that car park 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 to be 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. If, during this storage period, the Council is advised that the accumulated removal and storage costs and likely disposal costs exceed the probable recoverable value of the vehicle or object, then the Council will dispose of the vehicle or object forthwith. Any surplus remaining after deductions for removal and storage costs will be used by Blaby District Council as they see fit.
 - (5) Any unrecovered costs associated with the removal and storage of motor vehicles will be payable by the owner or driver of the motor vehicle.

Power of the Council to Close Car Parks

- 25 (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 car park 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 motor vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any motor vehicle being used in the service of a fire brigade or police force, or any motor 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 car park or part thereof for any purpose whatsoever (including its use as a private car park in connection with a particular event) then the right of any person to park any motor vehicle thereon shall immediately terminate until the Council shall no longer require the car park or part thereof.

IN WITNESS whereof the Blaby District Council have caused the Common Seal to be hereunto affixed the 30th day of January 2009.

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

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SCHEDULE OF CHARGES (SCHEDULE 1)

Name of car park	Controlled Hours	Charged hours	Scale of Charges during charged hours
1	2	3	4
Station Road Car Park, Narborough	All days	8 am to 6 pm Monday –Saturday (inclusive)	All day - £3.75 Season Tickets - £395 per annum
Weavers Court Car Park, Narborough	All days	8 am to 6 pm Monday –Saturday (inclusive)	Up to 2 hours - Free Up to 3 hours - £1.00 Up to 4 hours - £2.50 Over 4 hours - £4.50 Season Tickets - £395 per annum

Residents parking permits will be available on Weavers Court car park for £50 per annum subject to residence qualifications.

PERMITTED WAITING PERIODS SCHEDULE 2

Name of car park	Controlled Hours	Date and Time of Operation	Scale of Charges during charged hours
1	2	3	4
Enderby Road Car Park, Blaby	All days	8 am to 6 pm Monday –Saturday (inclusive)	3 hours – return prohibited within 3 hours
Johns Court Car Park, Blaby	All days	8 am to 6 pm Monday –Saturday (inclusive)	3 hours – return prohibited within 3 hours
Wigston Road Car Park, Blaby	All days	8 am to 6 pm Monday –Saturday (inclusive)	10 hours – return prohibited within 3 hours
Main Street Car Park, Countesthorpe	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Central Street Car Park, Countesthorpe	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Stamford Street Car Park, Glenfield	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours

Name of car park	Controlled Hours	Date and Time of Operation	Scale of Charges during charged hours
1	2	3	4
Station Road Car Park, Glenfield	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
St Michaels Court Car Park, Stoney Stanton	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Enderby Leisure Centre & Golf Course Car Parks, Enderby	All days	8 am to 6 pm Monday –Saturday (inclusive)	6 hours – return prohibited within 3 hours
The Pavilion (Huncote Leisure Centre) Car Park, Huncote	All days	8 am to 6 pm Monday –Saturday (inclusive)	6 hours – return prohibited within 3 hours
Leicester Road Car Park, Narborough	All days	8 am to 6 pm Monday –Saturday (inclusive)	2 hours – return prohibited within 2 hours
The Grange Car Park, Narborough	All days	8 am to 6 pm Monday –Saturday (inclusive)	1 hour – return prohibited within 2 hours
Bouskell Park Car Park, Blaby	All days	All times	Dawn to Dusk
Jubilee Park Car Park, Enderby	All days	All times	Dawn to Dusk
Fosse Meadows Car Park, Stoney Stanton	All days	All times	Dawn to Dusk
High Street Car Park, Whetstone	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Long Street Car Park, Stoney Stanton	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Castle Road Car Park, Kirby Muxloe	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Enderby – John Street	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours
Enderby – John Street	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours

Name of car parks	Controlled Hours	Date and Time of Operation	Scale of Charges during charged hours
1	2	3	4
Croft – Winston Avenue	All days	8 am to 6 pm Monday –Saturday (inclusive)	24 hours – return prohibited within 3 hours

SCHEDULE 3

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.

