

THE LEICESTERSHIRE COUNTY COUNCIL
(EXPERIMENTAL SCHOOL STREETS ORDER, MAIN STREET, THURNBY
DISTRICT OF HARBOROUGH) EXPERIMENTAL ORDER No. 3 2022

The Leicestershire County Council ("the Council") in exercise of its powers under Sections 9, 10, 11 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended, 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 Act hereby makes the following Order:-

PART I – PRELIMINARY

1. Citation, Commencement and Duration

This Order shall come into force on the 2nd day of September 2022 for a period of eighteen months and may be cited as the "The Leicestershire County Council (Experimental School Streets Order, Main Street, Thurnby, District of Harborough) Experimental Order No.3 2022"

2. Interpretation

In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"the 1847 Act" means the Town Police Clauses Act 1847

"the 1971 Act" means Banking and Financial Dealings Act 1971

"the 1980 Act" means the Highways Act 1980

"the 1984 Act" means the Road Traffic Regulation Act 1984

"the 1986 Regulations" means The Road Vehicles (Construction and Use) Regulations 1986

"the 1988 Act" means the Road Traffic Act 1988

"the 2000 Regulations" means The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

"the 2004 Act" means the Traffic Management Act 2004

"the 2022 General Provisions Regulations" means The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

"the 2022 Appeals Regulations" means The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

"appropriate national authority" means as regards England, the Secretary of State

"approved device" means a device of a description specified in an Order made by the appropriate national authority

"an NHS ambulance service" means an NHS trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services

"ambulance" means a vehicle which is constructed or adapted for, and used for no purpose other than, the carriage of sick, injured or disabled people and is readily identifiable as a vehicle used for the carriage of such people by being marked with the word "Ambulance"

"bullion vehicle" means a vehicle which is constructed or adapted for, and used for no purpose other than transporting valuables and cash, and is readily identifiable as a vehicle used for the carriage of such goods

"bus" has the same meaning as in Section 3(2) of the 1986 Regulations

"business" means for the purposes of Part II of this Order any trade or profession conducted from premises wholly or principally used or adapted for use those purposes within a School Street such premises being listed either a local or central non-domestic rating list

"carriageway" has the same meaning as in Section 329 of the 1980 Act

"CEO" means a Civil Enforcement Officer

"civil enforcement officer" has the same meaning as in Section 76 of the 2004 Act and appointed by or on behalf of the Council

"class of vehicle" means the type of vehicle specified as being permitted to use the length of highway specified in the schedule

"commercial vehicle" means any vehicle of which exceeds five tonnes maximum gross weight, but not a motor vehicle constructed or adapted solely for the carriage of not more than 12 passengers or a hackney carriage

"contravention" means a failure to comply with restrictions and prohibitions set out in this Order that may result in the issue of a penalty charge notice

"council" means the Leicestershire County Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order

"cycle" means a pedal cycle not being propelled by mechanical power

"cycle lane" means a length of road specified in this Order as a cycle lane and separated from the rest of the carriageway by a traffic sign

"date of service" means service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting

"disabled persons' badge" has the same meaning as in Regulation 3 of the 2000 Regulations

"dispensation / waiver" means a specific exemption allowing vehicles to park within a defined location, granted by the Council pursuant to this Order

"driver" means an individual authorised to drive a vehicle who has allegedly contravened this Order that may not necessarily be the owner or keeper of that vehicle and therefore, when identified, shall be responsible for payment of the Penalty Charge Notice

"dual-purpose vehicle" has the same meaning as in Section 3(2) of the 1986 Regulations

"duly authorised person" means for the purposes of the supervision and enforcement of the provisions of this Order means a Police Officer in uniform or civil enforcement officer or any other person acting on behalf of the Council

"electric vehicle" means a vehicle including a motor cycle in which electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion

"enactment" means any enactment, whether public, general or local, and includes any Order, byelaw, regulation, scheme or other instrument having effect by virtue of an enactment

"fire and rescue vehicle" means a vehicle being used for fire and rescue purposes or operating under the instructions of the Fire and Rescue Authority

"footway" has the same meaning as Section 329 of the 1980 Act

"goods" means heavy or bulky items of any kind whether animate or inanimate for the purposes of being sold

"goods vehicle" has the same meaning as in Section 138 of the 1984 Act

"hackney carriage" has the same meaning as in Section 38 of the 1847 Act

"heavy commercial vehicle" has the same meaning as in Section 138 of the 1984 Act

"loading" means a vehicle whilst being used in a length of road to enable goods to be loaded or unloaded, provided that when the aforementioned purposes have been completed, the vehicle must immediately proceed out of that length of road

"local authority" means as regards England, a county council, a London authority, a metropolitan, district council or the Council of the Isles of Scilly

"local bus" means a public service vehicle

"motor car" has the same meaning as in Section 136 of the 1984 Act

"motor cycle" has the same meaning as in Section 136 of the 1984 Act

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act

"owner" in relation to a vehicle, means the registered keeper of that vehicle namely the person for the time being shown on the register as registered keeper in the register kept in accordance with Section 21 the Vehicle Excise and Registration Act 1994

"parking contravention" has the same meaning as in Schedule 7 Part 1 of the 2004 Act
"passenger vehicle" means a motor vehicle other than a motor cycle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 8 passengers exclusive of the driver, and not drawing a trailer

"pedestrian crossing" means a crossing for pedestrians established:-

- (a) by a local authority under Section 23 of the 1984 Act, or
- (b) by the Secretary of State in the discharge of the duty imposed on him by Section 24 of the 1984 Act

"PCN" means a Penalty Charge Notice

"penalty charge" has the same meaning as in Section 92 of the 2004 Act

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Sections 72 and 92 of the 2004 Act

"permit" means a permit issued under the provisions of this Order

"permit holder" means a person to whom a permit has been issued under the provisions of this Order

"permit zone"

- (a) means a space in a Permit Parking Place which is provided for the leaving of a vehicle in Schedule of this Order,
- (b) means any part of the carriageway, not already being restricted by a traffic sign which is provided for the leaving of a vehicle and identified in Schedule of this Order

"permit identifier" means any symbol, logo, letter or name specified on a permit which indicates a zone identifier

"police officer" means a warranted officer employed by a Police Authority

"police vehicle" means a vehicle being used for police purposes or operating under the instructions of a Chief Officer of Police for a Police Authority

"public works vehicle" has the same meaning as in Section 3(2) of the 1986 Regulations

"public service vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981

"refuse vehicle" means a vehicle designed for use and used solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools

"relevant position"

- (a) In relation to the display of Disabled Person's Badge; has the same meaning as that ascribed to it in Regulation 4 of the 2000 Regulations,

- (b) In relation to a permit; exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole information on the front of the permit is clearly legible from outside the vehicle
- (c) In the case of a parking ticket; a vehicle displays a parking ticket in the relevant position if the said ticket is exhibited in a conspicuous position within or on the said vehicle so that the time of the expiry, date of issue and other particulars shown thereon (as applicable) are clearly visible and can be read from outside the said vehicle for the duration of the parking period
- (d) In relation to a disc for parking; exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole information on the front of the permit is clearly legible from outside the vehicle
- (e) Nothing in paragraphs (b) to (d) of relevant position shall apply where a virtual permit, virtual ticket or virtual disc is issued

"resident" means a person whose usual place of abode is premises the postal address of which is in any road or part of a road being a part of a school street as described in the Schedule to this Order, or any person deemed to be a resident by the Council

"school street access permit" means a permit issued under the provisions of this Order

"school street access permit holder" means a person to whom a permit has been issued under the provisions of this Order

"road" has the same meaning as in Section 142 of the 1984 Act

"road marking" means a traffic sign consisting of a line or mark or legend on the surface of the road of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act

"school" means an educational institution which is principally concerned with providing education

"school day" means any day of the week on which a school is open as an educational institution and any other purpose for which the school is open

"school keep clear marking" means part of the carriageway indicated by the relevant diagram in the Traffic Signs Regulations and General Directions 2016

"school street" means a road or part of a road where driving of a motor vehicle is prohibited during specified times indicated by a traffic sign

"solo motor cycle" means a motor cycle without a side car and having two wheels

"specified closure times" means the hours during which the prohibition as specified in the Schedule is in force

"specified period" means permitted hours, prescribed times of prohibited hours

"Statutory Grounds of Appeal" means that one or more of the grounds specified in the 2022 Appeals Regulations applies

"taxi" has the same meaning as in Section 37 of the 1847 Act

"telecommunication system" has the same meaning as in Section 4 of the Telecommunications Act 1984

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act

"universal service provider" has the same meaning as in Part 3 of the Postal Services Act 2011; and references to the provision of a universal postal service shall be construed in accordance with that Part

"vehicle" means:-

- a) a mechanically propelled vehicle, intended or adapted for use on the road;
- b) a cycle in actual use for the purpose of cycling.

"verge" means any part of a road which is not a carriageway or a footway

"virtual permit" means an electronic record of a permit issued under the provisions of this Order

3. Any reference in this Order to a specific statute or statutory provision includes references to any statutory modification extension or re-enactment of such statute or statutory provision and to any regulations Orders bye laws or other subordinate legislation made under such statute or statutory provision from time to time AND any reference in this Order to a specific Council policy or document includes references to any modification extension or variation of such policy or document from time to time.
4. The prohibitions, restrictions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

Part II – School Street

Designation

5. No person, except upon the direction or with the permission of a police officer in uniform, shall cause or permit any motor vehicle to proceed along that length of road as specified in the Schedule to this Order during the specified closure times.
6. The plan annexed to this Order and marked drawing number, *TM5063/T1/1-3* is for identification purposes only.

Contravention of the General Prohibition

7. Where a person contravenes the prohibition set out in article 5 to this Order and does not fall into any of the exemptions in Part III to this Order the owner of that vehicle may incur a fixed penalty notice issued by a Police Officer in uniform.

Part III – Exemptions

8. Nothing in Part II of this Order shall prohibit any person from causing or permitting any vehicle to proceed along that length of road specified in the Schedule to this Order:
- (a) Upon the direction or with the permission of a Police Officer in uniform or CEO
 - (b) To enable a vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any
 - i. building operation,
 - ii. demolition or excavation,
 - iii. the removal of any obstruction to traffic,
 - iv. the maintenance, improvement, or reconstruction of the parking place or length of road or any part thereof,
 - v. or the laying, erection, alteration or repair in or near the parking place or length of road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984;
 - (c) If the vehicle cannot be conveniently used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (d) If the vehicle is to be used for fire and rescue, ambulance or police purposes;
 - (e) If a vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the control of the driver or to such waiting as is necessary to prevent an accident;
 - (f) If the vehicle of a universal service provider is to be used for the purpose of delivering and/or collecting mail;
 - (g) For goods to be loaded or unloaded from the vehicle;
 - (h) If the vehicle is a Public Service Vehicle in service;
 - (i) If the vehicle is a Disabled Person's Vehicle which displays a Disabled Person's Badge and a Parking Disc, on which the Driver or other person in charge of the Vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or sides of road specified on the Plans for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day);
 - (j) If the vehicle, not being a privately owned vehicle, is being used as an official vehicle for the purposes of a wedding (bridal vehicle) -at a location where a ceremony is taking place;
 - (k) If the vehicle, not being a privately owned vehicle, is being used as an official vehicle for the purposes of a funeral (hearse and cortege) at a location where a ceremony is taking place or at a funeral directors;

(I) If the vehicle is being used by a school street access permit holder

Part IV – Permits

Entitlement to and application for permits

9. School street access permit

Where applicable, any resident or any person as specified in the appropriate Schedule may apply to the Council for the issue of a school street access permit in respect of a vehicle(s) of the class specified and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

10. Classes of vehicles for which permits are applicable

Use of the residents' parking spaces will be restricted to the following classes of vehicles: Passenger Vehicles, Light Goods Vehicles, Dual Purpose Vehicle and Motor Cycles.

11. Evidence in respect of application

The Council may at any time require an applicant for a permit to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

Issue of permits

12. School street access permits

Upon receipt of an application duly made under the provisions of this Order, the Council, upon being satisfied that the applicant is a resident and has proof of vehicle ownership and on receipt of the Relevant Fee (if applicable), may issue to the applicant a permit for the access of a vehicle during the permitted hours in a school street.

Use and condition of use for permits

13. Use of permits

A permit shall only be valid for use during the permitted hours in a school street on a road within the area identified on the permit and specified in the schedule to this order.

Surrender, withdrawal and validity of permits

14. Surrender of permits

A permit holder may surrender such permit to the Council at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the surrender events.

15. Surrender events

Each of the following is a surrender event:

- (a) the permit applicant ceasing to be a resident;
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;

- (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified;
- (d) the issue of a duplicate permit by the Council under the provisions of this Order;
- (e) misuse or fraudulent use of the permit is deemed by the Council;
- (f) at the request of the Council;

16. Withdrawal of permit

The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council that any one of the surrender events has occurred and the permit holder shall surrender the permit to the Council.

17. Validity of permit

A permit shall only be valid if displayed in the relevant position

A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the surrender events, whichever is the earlier.

Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same to the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's place of abode, require that person to surrender the permit or voucher to the Council.

A permit shall cease to be valid if:

- (a) the details have been altered or defaced;
- (b) any additional details required as a condition of the permit are not exhibited;
or
- (c) the details cannot be easily read from outside the vehicle.

Application for and use of duplicate permits

18. Duplicate permits

If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a replacement.

If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.

On application under the provisions of this Order, the Council, being satisfied as to the circumstances as indicated, the Council may from time to time determine, shall issue a replacement or duplicate permit so marked and upon such issue the original permit or voucher shall become invalid.

All the provisions of this Order shall apply to a replacement or duplicate permit to the same extent as they applied to the original permit.

Form of permits

19. School street access permit

A permit shall be virtual or in writing and shall include the following particulars:-

- (a) the registration mark(s) of the vehicle(s) in respect of which the permit has been issued:

Provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted;

- (b) the period during which, subject to the provisions pertaining to surrender or withdrawal, the permit shall remain valid;
- (c) an indication that the permit has been issued by the Council; and
- (d) a code or identification indicating the area for which the permit is valid.

20. Virtual permits

A virtual permit shall be registered on an electronic database and shall include the particulars required for a school street access permit

Schedule

School	Road Name	Closure Extents	Closure Times
St Luke's Church of England Primary School	Main Street, Thurnby	From its junction with Grange Lane and Court Road to its junction with the western junction of Hollies Way	Monday to Friday 8:30am – 9:15am 2.30pm - 4pm

THE COMMON SEAL of THE)
LEICESTERSHIRE COUNTY COUNCIL)
was hereunto affixed this twenty fifth day of)
August 2022 in the presence of)

Ante



39223



ENVIRONMENT AND
TRANSPORT DEPARTMENT

ANN CARRUTHERS
DIRECTOR

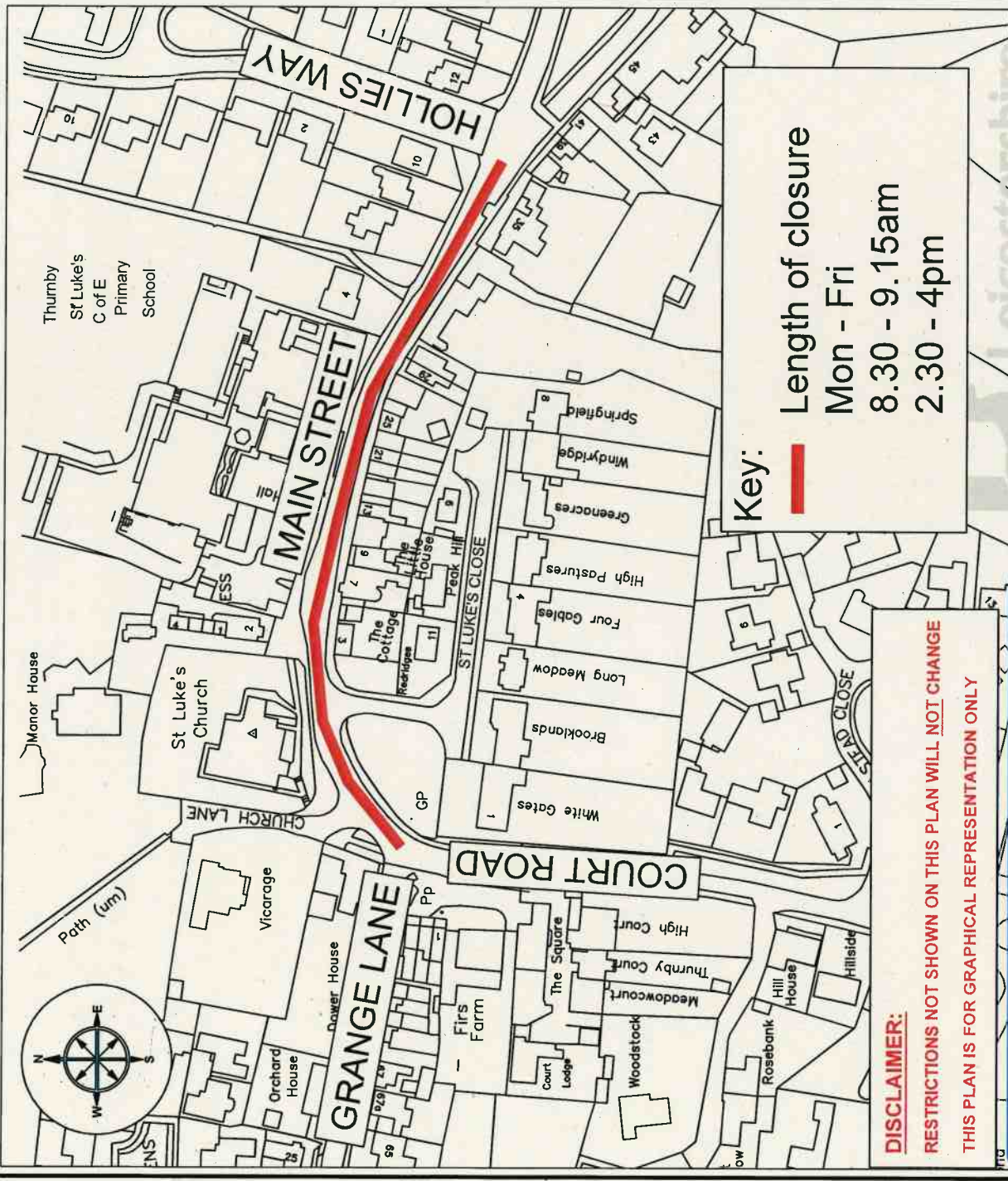
NETWORK MANAGEMENT
DEVELOPMENT & GROWTH

MAIN STREET, THURNBY

TITLE:
SCHOOL STREETS
ST LUKE'S PRIMARY

DRAWING NUMBER	SCALE
TM5063/T1/1 - 3	NTS
PREPARED BY: Z NOV/SARKA	
CHECKED BY: S BURT	DATE: AUG 2022
APPROVED BY: G NEAT	SIZE: A4

COUNTY HALL * GLENFIELD * LEICESTER * LE3 8ST
Tel: 0116 3050001 * Fax: 0116 3050006
E-Mail address: customerservices@lincs.gov.uk
Website: www.leicestershire.gov.uk



Key:

— Length of closure
Mon - Fri
8.30 - 9.15am
2.30 - 4pm

DISCLAIMER:
RESTRICTIONS NOT SHOWN ON THIS PLAN WILL NOT CHANGE
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