

THE LEICESTERSHIRE COUNTY COUNCIL
(VARIOUS ROADS, IN THE DISTRICT OF NORTH WEST LEICESTERSHIRE)
CONSOLIDATION ORDER 2017 (PREAMBLE AMENDMENT) ORDER 2018

The Leicestershire County Council in exercise of its powers under Sections 1, 2, 4, 5, 19, 32, 35, 45, 46, 47, 49 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act hereby makes the following Order.

1. This Order shall come into operation on the thirty first day of December 2018 and may be cited as the "The Leicestershire County Council (Various Roads, in the District of North West Leicestershire) Consolidation Order 2017 (Preamble Amendment) Order 2018".
2. Where in The Leicestershire County Council (Various Roads in the District of North West Leicestershire) Consolidation Order 2017 there is reference to:
 - Arrangement of Parts, Articles and Schedules
 - Part I - Preliminary
 - Part II – Prohibition and Restriction of Waiting and Loading
 - Part III – Prohibition and Restriction of Stopping
 - Part IV – Permitted Parking Places
 - Part V – Pedestrian Zone
 - Part VI – Exemptions
 - Part VII – Contraventions and Enforcement
 - Part VIII – Parking Dispensations
 - Part IX – Permits
 - Part X - Revocations
 - Schedule 1

is hereby replaced with

- Arrangement of Parts, Articles and Schedules (Version 2)
- Part I – Preliminary (Version 2)
- Part II – Prohibition and Restriction of Waiting and Loading (Version 2)
- Part III – Prohibition and Restriction of Stopping (Version 2)
- Part IV – Permitted Parking Places (Version 2)
- Part V – Pedestrian Zone (Version 2)
- Part VI – Exemptions (Version 2)
- Part VII – Contraventions and Enforcement (Version 2)
- Part VIII – Parking Dispensations (Version 2)
- Part IX – Permits (Version 2)
- Part X – Disc Parking
- Part XI - Revocations (Version 2)
- Schedule 1 (Version 2)

to this order.

THE COMMON SEAL of THE)
LEICESTERSHIRE COUNTY COUNCIL)
was hereunto affixed this twentieth day of)
December 2018 in the presence of)



The Leicestershire County Council in exercise of its powers under Sections 1, 2, 4, 5, 19, 32, 35, 45, 46, 47, 49 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act hereby makes the following Order.

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PART I – PRELIMINARY (Version 2)

1. Citation and Commencement

This Order shall come into operation on the thirty first day of December 2018 and may be cited as the “The Leicestershire County Council (Various Roads, in the District of North West) Consolidation Order 2017 (Preamble Amendment) Order 2018”

The Leicestershire County Council (Prohibition and Restriction of Waiting and Loading and Parking Places) Plans (the “Plans”) are incorporated into this Order.

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 2007 Regulations” The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

“the 2007 General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“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

“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;

“at any time” means all days and all hours;

“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;

“bus lane” has the same meaning as in Section 144 of the Transport Act 2000

“business” means for the purposes of Part IX of this Order any trade or profession conducted from premises wholly or principally used or adapted for use those purposes within a CPZ 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

“charging post” means an installation adjacent to a parking place for the purposes of recharging the battery of an electric vehicle by way of a connecting lead

“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 schedules

“clearway” means a length of road where stopping is prohibited

“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;

“contra-flow” means a part of the carriageway of a road where –

- (a) traffic is authorised to proceed in the opposite direction to the usual direction of traffic on that part, or
- (b) specified class of traffic is authorised to proceed in the opposite direction to other traffic on that carriageway;

“controlled parking zone” or “CPZ” means an area identified in Schedule 1 and/or Schedule 3 to this Order by a unique zone identifier within which streets are regulated by waiting, loading and parking restrictions as described in this Order;

“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;

“disc parking place” means a parking place reserved for vehicles displaying a disc for parking.

“disc for parking” means a disc issued under the provisions of Part IX of this Order;

“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;

“electric vehicle charging point” means a length of road indicated by a traffic sign authorising it to be used for the leaving of vehicles in accordance with the provisions of this Order;

“electric vehicle permit” means a permit issued under the provisions of Part IX of this Order;

“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;

“footway parking” means an area of footway indicated as a parking place;

"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;

"lay-by" means any area of carriageway intended for the waiting of vehicles and lying at the side of the road and bounded partly by a traffic sign and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"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;

"market day" means any day of the week approved and authorised under a market charter for the holding of a market or such other bona fide licensed market;

"market trader" means any person duly authorised by an appropriate body to trade from an authorised market stall or stand or location as from time to time may be specified by the appropriate body for the purposes of trading;

“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 charge" in relation to a vehicle left in a charged parking place shall be determined by reference to the Tariff of Charges in Schedule 2

“parking contravention” has the same meaning as in Schedule 7 Part 1 of the 2004 Act;

"parking disc" has the same meaning as in Regulation 8(5) of the 2000 Regulations;

"parking place" means the part of road authorised by this Order to be used as a parking place of a type as defined in Schedule 3 to this Order;

"parking period" means the period of time in respect of which a Parking Charge is applicable;

"parking ticket" means a ticket issued by a ticket machine relating to a parking place that is subject to a parking charge

"partial footway parking" means a parking place placed partly on the road and partly on the footway;

"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;

"pay and display" means a system of payment of a parking charge for the parking of motor vehicles used in parking places where pre-paid tickets must be obtained and be displayed in the appropriate manner within the vehicle for the entire period that the vehicle is parked, unless payment for parking has been made by "pay by phone".

"pay by phone" means a method of payment for a parking period whereby a parking charge (and any appropriate administration charge) is collected by a Leicestershire County Council appointed third party, via an arranged account, with payment being made over the telephone or by other electronic system (including via the internet) by credit or debit card or other means of secure authorised payment.

"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;

"pedestrian zone" means an area to which the entry of vehicles is prohibited or restricted

"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 Part IX 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 1 and/or Schedule 3 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 1 and/or Schedule 3 of this Order;

“permitted hours” means in relation to a parking place the period specified for the type of parking place defined, unless such hours are at any time as specified on the Plans;

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

“Plans” means those plans listed in Schedule 3 to this Order

“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;

“prescribed time” means in relation to a parking place the period specified for the type of parking place defined, unless such hours are at any time as specified on the Plans;

"prohibited hours" means in relation to any part of the carriageway the hours which waiting by vehicles is prohibited as specified on the Plans;

“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 fee” the payment required to be made in accordance with the provisions of this Order such fee being determined by the Council in accordance with its Scale of Fees and Charges for the time being in force or any revision or replacement thereof

"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

"resident" in Part IX of this Order 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 residents' parking zone described in Schedule 1 and/or Schedule 3 to this Order, or any person deemed to be a resident by the Council.

"residents' permit" means a permit issued under the provisions of Part IX of this Order.

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

"residents' parking place" means any part of a road specified in Schedule 1 and/or Schedule 3 of this Order.

"residents' parking zone"

- (a) means a space in a Residents' Parking Place which is provided for the leaving of a vehicle in any location specified in Schedule 1 and/or Schedule 3 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 in any location specified in Schedule 1 and/or Schedule 3 of this Order;

"residents' visitors parking permit" means a visitors permit

"residents' visitors parking permit holder" means a person to whom a permit has been issued under the provisions of Part IX of this Order.

"restricted parking zone" means an area of road where the waiting of vehicles is prohibited or restricted, which each entrance for vehicular traffic has been indicated by a traffic sign and such areas are identified in Schedule 1 and/or Schedule 3 to 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

"Scale of Fees and Charges" means that record of all fees and charges required by the Council in Order to perform the relevant functions and which includes the fees and charges that are reasonably necessary pursuant to this Order for the time being in force or any revision or replacement thereof

"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

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

“specified period” means permitted hours, prescribed times of prohibited hours

“Statutory Grounds of Appeal” means that one or more of the grounds specified in Regulation 11 of the 2007 Regulations applies

“street trading consent” means any street trading or street activity given by a local authority

“street trading” means an individual or company wishing to sell any item from a stall, trailer or vehicle

“street activity” means an individual, charity or company wishing to promote services that are not for sale

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

"taxi rank" means an area of carriageway reserved for use by hackney carriages waiting to pick up passengers.

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

"ticket" means a ticket issued by a ticket machine relating to a charged parking place

"ticket machine" means apparatus designed to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid in relation to the leaving of a vehicle in a charged parking place.

"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.

“visitors permit” means a permit issued under the provisions of Part IX of this Order,

“virtual permit” means an electronic record of a residents’ permit, residents visitor permit, business permit or business visitors permit issued under the provisions of Part IX of this Order;

“zone” means an area comprising the respective roads specified in Schedule 1 and/or Schedule 3.

“zone identifier” means any symbol, logo, letter or name which indicates or identifies an area or location in which restrictions on the parking of vehicles apply, displayed on a traffic sign

“working day” means any day except a Saturday or a Sunday; New Year’s Day; Good Friday; Christmas Day; any other day which is a bank holiday in England and Wales under the 1971 Act

“workplace permit” means a permit issued under the provisions of Part IX of this Order;

“workplace visitor permit” means a visitor permit

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 – Prohibition and Restriction of Waiting and Loading (Version 2)

5. Designation

Any length of road identified as such on the Plans are hereby designated as a waiting restriction or a loading restriction is hereby designated as a waiting restriction or loading restriction.

6. Prohibition and restriction of Waiting

Save as provided in Part VI, articles 24 to 27 of this Order no person shall cause or permit any vehicle to wait on any road;

(a) where waiting is prohibited during the times shown on the Plans;

(b) shown on the Plans as a parking place,

except in accordance with this Order.

Where a specified period is shown on the Plans it shall relate to the restriction identified by Schedule 3 and shall apply to all restrictions of that type on the Plans.

Restrictions identified by Schedule 3 with different specified times that appear on the same Plan will be individually labelled.

7. Prohibition and restriction of Loading

Save as provided in Part VI, articles 24 to 27 to this Order no person shall cause or permit any vehicle to wait for the purpose of enabling goods to be loaded or unloaded from the vehicle on any road;

(a) where loading is prohibited during the times shown on the Plans;

(b) shown on the Plans as a parking place,

except in accordance with this Order.

Where a specified period is shown on the Plans it shall only relate to the restriction identified by Schedule 3 and shall apply to all restrictions of that type on the Plans.

Restrictions identified by Schedule 3 with different specified times that appear on the same Plan will be individually labelled.

8. Controlled Parking Zone

Save as provided in Part VI, articles 24 to 27 to this Order no person shall cause or permit any vehicle to wait on any road where a CPZ is indicated on the Plans except in accordance with this Order.

9. Contravention of the General Prohibition

Where a person contravenes the prohibition set out in articles 6, 7 or 8 to this Order and does not fall into any of the exemptions in Part VI to this Order the owner of that vehicle shall incur a penalty charge and will be issued with a penalty charge notice.

Part III – Prohibition and Restriction of Stopping (Version 2)

10. Designation

Any lengths of road identified as such on the Plans are hereby designated as a no stopping restriction, school keep clear marking, keep clear marking, red route, urban clearway or clearway is hereby designated as a prohibition of stopping restriction.

11. Prohibition and restriction of Stopping

Save as provided in Part VI, articles 24, 28 and 29 to this Order no person shall cause or permit any vehicle to stop on any road;

(a) where stopping is prohibited during the times shown on the Plans;

(b) shown on the Plans as a parking place,

except in accordance with this Order.

Where a specified period shown on the Plans it shall only relate to the restriction identified by Schedule 3 and shall apply to all restrictions of that type on the plan.

Restrictions identified by Schedule 3 with different specified times that appear on the same plan will be individually labelled.

12. Contravention of the General Prohibition

Where a person contravenes the prohibition set out in article 11 to this Order and does not fall into any of the exemptions in Part VI to this Order the owner of that vehicle shall incur a penalty charge and will be issued with a penalty charge notice.

Part IV – Permitted Parking Places (Version 2)

13. Designation

The lengths of the roads identified on the Plans are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the Plans.

14. Classes

Where a parking place is identified in the Plans and described as available for vehicles of the specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.

15. Manner of standing

The position of the vehicle is such that it is wholly within the limits of a parking place which is delineated and identified as a parking place by a traffic sign

16. Restriction on parking

No person shall use a vehicle while it is in the 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 skill or the skills or services of any other person.

17. No return

No vehicle which has been taken away from a parking place during the permitted hours shall, until the 'no return' period as defined, again be left in that parking place during the permitted hours.

18. Power to Suspend use of Parking Places

A Police Officer in uniform or a duly authorised person may suspend the use of a Parking Place or part thereof whenever they consider such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Line or Traffic Sign;
- (c) on any occasion on which it is likely by reason of some public procession, rejoicing or special attraction that any street will be thronged or obstructed;
- (d) for any other purpose which the Council or Local Authority may from time to time deem appropriate and which has received their prior approval.
- (e) Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph a, b, c, or d of this article may thereupon place or cause to be placed, in or adjacent to that Parking Place or the part thereof the use of which is suspended, a Traffic Sign, indicating that waiting by vehicles is prohibited.

19. Contravention of the General Prohibition

Where a person contravenes the restriction on parking set out in articles 14 to 17 to this Order and does not fall into any of the exemptions in Part VI, articles 24, 25 and 30 to 34 to this Order the owner of that vehicle shall incur a penalty charge and will be issued with a penalty charge notice.

Part V – Pedestrian Zone (Version 2)

20. Designation

Any lengths of road identified as such on the Plans are hereby designated as a pedestrian zone or pedestrian and cycle zone are hereby designated as a pedestrian zone.

21. Prohibition of driving

Save as provided in Part VI, article 24 to this Order no person shall cause or permit;

- (a) any vehicle to proceed where riding or driving is prohibited in a pedestrian zone during the times shown on the Plans
- (b) any motor vehicle to proceed where driving is prohibited in a pedestrian zone during the times shown on the Plans;
- (c) shown on the Plans as a parking place, except in accordance with this Order.

22. Prohibition of waiting and loading

Save as provided in Part VI, articles 24, 35 to 37 to this Order no person shall cause or permit;

- (a) any vehicle to wait where riding, driving, waiting or loading is prohibited in a pedestrian zone during the times shown on the Plans
- (b) any motor vehicle to wait where driving, waiting or loading is prohibited in a pedestrian zone during the times shown on the Plans;
- (c) shown on the Plans as a parking place, except in accordance with this Order.

Where a specified period shown on the Plans it shall only relate to the restriction identified by Schedule 3 and shall apply to all restrictions of that type on the plan.

Restrictions identified by Schedule 3 with different specified times that appear on the same plan will be individually labelled.

23. Contravention of the General Prohibition

Where a person contravenes the prohibition set out in articles 21 and 22 to this Order and does not fall into any of the exemptions in Part VI, this Order the owner of that vehicle shall incur a penalty charge and will be issued with a penalty charge notice.

Part VI – Exemptions (Version 2)

General Exemptions

24. Nothing in Parts II, III IV or V of this Order shall prohibit any person from causing or permitting any vehicle to stop or wait for so long as may be necessary:
- (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) The vehicle 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) Where the driver is required by law to stop.
25. Nothing in article 24 paragraph (b) and (c) shall apply during the period where a prohibition of driving is specified in this Order

Exemptions from Prohibitions and Restriction of Waiting

26. Nothing in Part II of this Order shall prohibit any person from causing or permitting any vehicle to wait for so long as may be necessary:
- (a) For a person to board or alight from a vehicle;
 - (b) If the vehicle of a universal service provider is to be used for the purpose of delivering and/or collecting mail;
 - (c) For goods to be loaded or unloaded from the vehicle;
 - (d) For the vehicle to take in petrol, oil, water, or air from any garage situated on or adjacent to the said lengths of road;

- (e) If the vehicle is a Public Service Vehicle in service;
- (f) For 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);
- (g) For any vehicle, other than a privately owned vehicle, which is being used as an official vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a location where a ceremony is taking place;

27. Nothing in article 26 paragraph (b) to (g) shall apply during the period where a prohibition of loading is specified in this Order.

Exemptions from Prohibitions of Stopping

- 28. Nothing in Part III of this Order shall prohibit any vehicle being a hackney carriage, ambulance, fire and rescue vehicle or police vehicle to wait upon an authorised parking place specified for the class of vehicle where stopping is otherwise prohibited
- 29. Nothing in Part III of this Order shall prohibit any person if the vehicle is a Public Service Vehicle, to wait upon the area of carriageway marked as a bus stop clearway or bus stand clearway where stopping is otherwise prohibited

Exemptions from Parking Places

- 30. Nothing in Part IV of this Order shall prohibit any person from causing or permitting any vehicle to wait for so long as may be necessary:
 - (a) For a person to board or alight from a vehicle;
 - (b) If the vehicle of a universal service provider is to be used for the purpose of delivering and/or collecting mail;
 - (c) For goods to be loaded or unloaded from the vehicle;
 - (d) For any vehicle, other than a privately owned vehicle, which is being used as an official vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a location where a ceremony is taking place;
- 31. A disabled person's vehicle which displays in the relevant position 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 the designated parking place, provided the designated parking place is not restricted to a class of vehicle;

32. At all times during which a vehicle is in a permitted parking place identified on the plans as a permit parking place during the permitted hours and for more than the maximum permitted stay, there shall be displayed in a conspicuous manner on the said vehicle a valid parking permit or have a valid parking dispensation issued in accordance with the provisions of this Order.
33. Nothing in article 30 shall apply to a vehicle parked in a permitted parking place reserved for Disabled Blue Badge Holders.
34. At all times during which a vehicle is in a permitted parking place identified on the plans as a parking place reserved for recharging of electric vehicles during the permitted hours, the driver shall cause that vehicle to be connected to the charging post installed in respect of the parking place.

Exemptions from Pedestrian Zones

35. Nothing in Part V of this Order shall prohibit any vehicle to wait for the purpose of goods to be loaded or unloaded from the vehicle outside of the period where a prohibition of loading and/or driving is specified in this Order.
36. Nothing in Part V of this Order shall prohibit any vehicle to wait for the purpose of street trading or for street activity and whereby a street trading consent has been obtained.
37. Nothing in Part V of this Order shall prohibit any vehicle to wait for the purpose of goods to be loaded to a vehicle under the explicit direction of a duly authorised person on behalf of the Council during periods of inclement weather.

Part VII – Contraventions and Enforcement (Version 2)

38. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council will serve a Penalty Charge Notice (PCN) in accordance with the 2007 General Regulations:-
- (a) on the person appearing to be the owner or keeper of the vehicle; or
 - (b) on the driver.
39. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of "Approved Device".
40. If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Section 77 and Schedule 9 of the 2004 Act the Penalty Charge is to be paid in the manner described in the notice within 28 days of the Date of Service of the PCN, or within 14 days of the Date of Service of the PCN in the case it shall be reduced by one half.
41. A PCN must state: -
- (a) the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle involved in the alleged contravention;
 - (b) the date and time at which the CEO first noticed that a contravention of this Order had occurred in respect of the date known as the Contravention Date;
 - (c) the grounds on which the CEO believes that a Penalty Charge is payable with respect to that vehicle;
 - (d) the amount of the Penalty Charge which is payable;
 - (e) that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of service of the PCN;
 - (f) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the Date of Service of the PCN, it shall be reduced by one half;
 - (g) that if the Penalty Charge is not paid on or before the end of the 28 period the Enforcement Authority may serve a Notice to Owner on the owner of the vehicle requiring payment of the penalty charge;
 - (h) the postal address to which representations are to be sent;
 - (i) any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;
 - (j) the manner in which the penalty charge may be paid;
 - (k) the date of issue, being the date on which the PCN was produced by the Council or approved Local Authority;
 - (l) the address to which payment of the Penalty Charge must be sent.
42. Where a Notice to Owner is served it shall be to the registered owner at the time of the contravention.
43. Where a Police Officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a Fixed Penalty

Notice arises, a Police Officer may issue such a notice at the time and date of the alleged offence to the driver of the vehicle, which shall include the particulars listed in Section 52 of The Road Traffic Offenders Act 1988.

44. Where the owner, keeper or driver has been issued a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a Fixed Penalty Notice or a Summons for the same day and time for the same contravention by a Police Officer, then the Council shall no longer proceed with its PCN or where the PCN was paid in accordance with this Order the amount that was paid will be refunded in full as soon as reasonably practicable.

45. If a Court, the Department for Transport, the Bus Lane/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

Part VIII - Parking Dispensation (Version 2)

46. Application for and issue of a parking dispensation

A person who intends to use a vehicle in connection with building, construction, demolition, repair or maintenance or other operations or works to premises or land adjacent to a parking place, or their agent or the person commissioning the works; may apply to the Council for the issue of a parking dispensation which may be valid for use with that business user's vehicles and any such application shall be made to and issued by the Council and shall include the particulars and information required by such to be supplied.

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

Upon receipt of an application duly made under the foregoing provisions of this article and upon receipt of a charge specified, the Council upon being satisfied that in all the circumstances it is reasonably necessary for the vehicle to wait in a location where there is a prohibition of waiting or permitted parking place, shall issue to the applicant a parking dispensation valid during the permitted hours;

47. Refund of charge paid in respect of a parking dispensation

A parking dispensation holder who surrenders a parking dispensation to the Council when it is no longer required shall not be entitled to a refund in respect to the charge paid.

48. Surrender, withdrawal and validity of a parking dispensation

A parking dispensation holder may surrender a dispensation to the Council at any time and shall surrender a dispensation to the Council on the occurrence of any one of the events set out in paragraphs (a) to (e) of this article

The Council may, withdraw a parking dispensation if it appears to the Council that any of the events set out in paragraphs (a) to (e) of this article have occurred and the parking dispensation holder shall surrender the parking dispensation.

The events referred to in the foregoing provisions of this article are:

- (a) the parking dispensation holder ceasing to be the user of the vehicle in respect of which the parking dispensation was issued;
- (b) the withdrawal of such a parking dispensation by the Council;
- (c) a vehicle in respect of which such parking dispensation 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 parking dispensation by the Council;
- (e) the parking dispensation ceasing to be valid

49. Form of parking dispensation

A parking dispensation shall be in writing or verbally communicated and shall include the following particulars:

- (a) The registration mark of the vehicle in respect of which the parking dispensation has been issued;
- (b) The period during which, subject to the provisions of article 34, parking dispensation is valid;
- (c) An indication that the parking dispensation has been issued by the Council;
- (d) An indication of the zone, street, part of street, parking place, parking bay or parking space within which the parking dispensation is valid;
- (e) The reason for which the vehicle is necessary; and
- (f) Any other conditions of use that the Council may impose.

Part IX – Permits (Version 2)

Entitlement to and application for permits

50. Residents' permits

Where applicable, any resident or any person as specified in the appropriate Schedule may apply to the Council for the issue of a residents 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 and accompanied by the Relevant Fee.

51. Workplace permits

Where applicable, any business or any person as specified in the appropriate Schedule may apply to the Council for the issue of a workplace 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 and accompanied by the Relevant Fee.

52. Visitor permits

Where specified in the appropriate Schedule, any resident or business may apply to the Council for the issue of a visitor permit for use by visitors to the resident/business 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 and accompanied by the Relevant Fee.

53. Trade Visitor/Long Term Trade Visitor permits

Where specified in the appropriate Schedule, any resident or business may apply to the Council for the issue of a trade visitor/long term trade visitor permit for use to the resident/business 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 and accompanied by the Relevant Fee.

54. 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.

55. Evidence in respect of application

The Council may at any time require an applicant for a residents or visitor 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

56. Residents' 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 residents permit for the parking of a vehicle during the permitted hours in a parking place to which such permit relates; provided that any limit on the number of permits per resident or per household has not been exceeded.

57. Workplace permits

Upon receipt of an application duly made under the provisions of this Order, the Council, upon being satisfied that the applicant is applying on behalf of a business and on payment of the relevant fee (if applicable), may issue to the applicant a workplace permit for the parking of a vehicle during the permitted hours in a parking place to which such permit relates; provided that any limit on the number of permits per business has not been exceeded.

58. Visitor permits

In accordance with the appropriate Schedules, upon receipt of an application duly made under the provisions of this Order, the Council, upon being satisfied that the applicant satisfies the requirements and on receipt of any fee that the Council may from time to time determine, may issue to the applicant residents/business visitor permits for the parking of a vehicle during the permitted hours in a parking place to which such permit relates; provided that any limit on the number of permits has not been exceeded.

59. Trade Visitor/Long Term Trade Visitor permits

In accordance with the appropriate Schedules, upon receipt of an application duly made under the provisions of this Order, the Council, upon being satisfied that the applicant satisfies the requirements and on receipt of any fee that the Council may from time to time determine, may issue to the applicant trade visitor/long term trade visitor permit for the parking of a vehicle during the permitted hours in a parking place to which such permit relates; provided that any limit on the number of permits has not been exceeded.

Use and condition of use for permits

60. Use of permits

A permit shall only be valid for use during the permitted hours in a parking place on a road within the zone or area identified on the permit and specified in schedule 1 and/or Schedule 3.

61. Not guaranteed space

The issue of a permit does not guarantee a parking space.

Surrender, withdrawal and validity of permits

62. 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.

63. 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;

64. 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.

65. 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.

66. Validity of visitor, trade visitor and long term trade visitor permit

A visitor permit shall only be valid if displayed in the relevant position and fully completed as per the instructions on the individual permit.

Application for and use of duplicate permits

67. 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, and on receipt of any fee that 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

68. Residents 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 parking area for which the permit is valid.

69. Workplace permit

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

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

70. Visitor 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;
- (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 parking area for which the permit is valid.

71. Trade Visitor / Long Term Trade Visitor permit

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

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

72. Other permits

Any other permit issued by the Council shall be of the form of a Residents, Workplace or Visitor permit and be subject the articles of Part IX to this Order.

73. Virtual permits

A virtual permit shall be registered on an electronic database and shall include the particulars required for a residents' permit or a workplace permit.

Part X – Disc Parking

Entitlement to and application for a Disc for Parking

74. Where applicable, any person as specified in the appropriate Schedule may apply to the Council for the issue of a disc for parking in respect of a vehicle(s) of the class specified and any such application shall be made to the Council and shall include the particulars and information required and accompanied by the Relevant Fee.

Issue of Disc for Parking

75. Upon receipt of an application duly made under the provisions of this Order, the Council, upon being satisfied on receipt of the Relevant Fee (if applicable), may issue to the applicant a disc for the parking of a vehicle during the permitted hours in a parking place to which such the disc relates.

Use and condition of use for a Disc for Parking

76. Use of a Disc for Parking

A disc for parking shall only be valid for use during the permitted hours in a parking place on a road within the zone or area identified on the disc and specified in schedule 1 and/or Schedule 3.

77. Not guaranteed space

The issue of a disc for parking does not guarantee a parking space

Surrender, withdrawal and validity of Disc for Parking

78. Surrender of Disc for Parking

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

79. Surrender events

Each of the following is a surrender event:

- (a) misuse or fraudulent use of the permit is deemed by the Council;
- (b) at the request of the Council;

80. Validity of the Disc for Parking

A disc for parking shall only be valid if displayed in the relevant position

The driver of a vehicle shall on exhibiting the disc on the vehicle in accordance with these provisions, set the disc so that it indicates the quarter hour of an hour period during which the vehicle arrived at the permitted parking place.

When the disc exhibited in pursuance of this Part of this Order on a vehicle waiting in a parking place specified in the plans to this Order is showing the time of arrival, the time indicated by the disc shall be treated as evidence that the vehicle has been waiting in that parking place since that time.

A disc for parking shall cease to be valid at the expiration of the period specified thereon.

A disc for parking shall cease to be valid if the details have been altered or defaced and/or the details cannot be easily read from outside the vehicle.

Part XI – Revocations (Version 2)

81. Revocations

The following orders are hereby revoked:

Schedule 1 (Version 2)

Section 1: Roads or Part of Roads for the Purposes of Permit Users

Zone 1

Arthur Street, Ashby Road, Broad Street, Burfield Avenue, Burleigh Road, Caldwell Street, Chestnut Street, Chester Close, Curzon Street, Frederick Street, Granville Street, Grove Road, Heathcoat Street, Market Street, Radmoor Road, Seward Street, Westfield Drive, William Street and York Road in the town of Loughborough

Zone 2

Albert Street, Albert Place, Bampton Street, Beacon Road, Bedford Street, Browns Lane, Burton Street, Colgrove Road, Forest Road, Garton Road, Gray Street, Mayfield Drive, Park Road, Park Street, Princess Street, Royland Road, Stanley Street, Wallace Road, Victoria Street, Wards End and Woodgate in the town of Loughborough

Zone 3

Shakespeare Street in the town of Loughborough

Zone 4

Derby Road, Edward Street, Grange Street and Lisle Street in the town of Loughborough

Zone 5

Armitage Close, Ashby Road, Cumberland Road, Derby Road, Fearon Street, George Street, Goods Yard Close, Hastings Street, Havelock Street, Leopold Street, Oxford Street, Paget Street, Pleasant Close, Regent Street, Rosebery Street, Speeds Pingle, Station Street, Storer Road and Wheel Tappers Way in the town of Loughborough

Zone 6

Alfred Street, Bridge Street, Cambridge Street, Charles Street, Clarence Street, Gladstone Street, Gladstone Avenue (Private Street), Herbert Street, Howard Street, Limehurst Avenue, Linden Road, Lower Cambridge Street, Lower Gladstone Street (Private Street), Meadow Lane, Merrin Court, Nottingham Road, Rectory Place, Rectory Road, Rendell Street, Sparrow Hill, The Tatmarsh, and Toothill Road in the town of Loughborough

Zone 7

Sidings Walk, Station Boulevard and Thomas Cook Place in the town of Loughborough

Zone 8

Burder Street, Cartwright Street, Glebe Street, Meadow Lane, Nottingham Road, Ratcliffe Road in the town of Loughborough

Zone 9

Meadow Avenue, Meadow Lane and North Road in the town of Loughborough

Zone 12

Cotswold Close in the town of Loughborough

Zone 14

Adam Dale, Forest Road, Goldfinch Close, Kingfisher Way, Moorhen Way, Robin Mews, Wren Close and in the town of Loughborough

Zone 15

Wicket Close in the town of Loughborough

Zone 21

Asfordby Road, Cottesmore Avenue, Fernie Avenue and Quorn Avenue in the town of Melton Mowbray

Zone 31

Albany Road, Albert Road, Clarence Street, Connaught Road, Dingley Terrace, Fernie Road, Harrod Drive, St Marys Road and York Street in the town of Market Harborough

Zone 32

Riverside in the town of Market Harborough

Zone 41

Ivanhoe Road, Kenilworth Road, Marstown Avenue, Saffron Road and Waverley Road in the town of Wigston

Zone 42

Paddock Street in the town of Wigston

Zone 43

Leicester Road and Sandhurst Street in the town of Oadby

Section 2: Roads or Part of Roads within a Controlled Parking Zone(s)

Burder Street in the town of Loughborough

Section 3: Roads or Part of Roads within a Disc Parking Zone(s)