

**LEICESTER CITY COUNCIL (OFF-STREET CAR PARKS, LEICESTER) (ARTICLES/INTERPRETATIONS, FOR ADDITIONAL METHOD OF PAYMENT (PAY BY PHONE)) MINOR ORDER 2021**

**NOTICE IS HEREBY GIVEN** that Leicester City Council HAS MADE a Minor Order under Sections 35, and 46(2) and Part I, II and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), and by the virtue of Section 74 of the Traffic Management Act 2004 ("the 2004 Act") and all other enabling powers, as amended, that the City of Leicester being a Civil Enforcement Area (CEA), in respect of roads in the City of Leicester and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Minor Order:

The Authority intends not less than fourteen days from the date of this Notice to bring into affect a Minor Order which will amend the existing Articles and Interpretations relating to methods of payment for the consolidation Order namely, The Leicester (Off-Street Parking Places) Consolidation Order 2018 in addition to all standalone static Off-Street parking orders made after each consolidation Order:

**(1) To amend certain Interpretations and Articles**

"Card" means a Parking Card (with a Card Identifier Symbol) issued for the use in an Off-Street Car Parks (Pay and Display) Bay, Place or Space and is issued under established criteria governing the issue of such Card as determined by the Traffic Manager and as amended from time to time.

"Card Holder" means a person to whom a Card has been issued under established criteria governing the issue of such Card as determined by the Traffic Manager and as amended from time to time.

"Card Holder User" means a person using a Card for the purpose specified in Part II: Parking Places (Car Park), as appropriate.

"Card Identifier Symbol" means a reference to a combined letter and number which appears in Column 2 to Schedule 1 and/or on a Parking Card and/or on a Traffic Sign containing both letter(s) and numeral(s) which denotes the location of a Car Park Parking Place.

"Parking Card" means a prepaid authorisation to park, issued under the provisions of Part II (12) and acts as a season ticket.

"Parking Card Charge" shall be an amount set by the Traffic Manager and amended from time to time in accordance with Section 35 of "the Act".

"Pay by Phone" means the payment for a Parking Place being made via the electronic purchase using a mobile device to the Council or its agent and the Motor Vehicles has been recorded as being issue with a Virtual Parking Ticket, Virtual Permit or Virtual Parking Card.

"Relevant Position" means: -

- (i) In the case of a Motor Vehicle fitted with a front windscreen, the Badge, Parking Card, Permit or Ticket, as the case may be, is exhibited thereon with the front side facing forward on the near side of and immediately behind the windscreen so that the date and time of issue or expiry (as appropriate) may be read by a Civil Enforcement Officer from the outside of the vehicle.
- (ii) In the case of a Motor Vehicle not fitted with a front windscreen, the Badge, Parking Card, Permit or Ticket, as the case may be, is exhibited in a conspicuous so that the date and time of issue or expiry (as appropriate) are in a readable position on the vehicle.

"Valid Parking Card" means a Parking Card:

- (i) on which the Card Identifier Symbol corresponds with that specified in Column 2 to Schedule 1 to this Order;
- (ii) on which the Card Identifier Symbol corresponds with that specified on signs in the location of the relevant Car Park Parking Place in which the Motor Vehicle is parked; and
- (iii) which has not expired

"Valid Parking Ticket" means a Parking Ticket:

- (i) on which the paid for time and date corresponds with the period of parking by the relevant Motor Vehicle and has not expired;
- (ii) on which the paid Tariff corresponds with that specified in Column 2 of Schedule 2 to this Order; and
- (iv) on which the identified Tariff corresponds with that specified on signs and on Ticket Machines in the location of the relevant Car Park Parking Place in which the Motor Vehicle is parked

"Virtual Parking Ticket" means an electronic record of payment of the charge for parking which:

- (i) is issued by the Council on payment having been made electronically via the use of a mobile device in the manner described on information signs located at or near the Parking Place;
- (ii) on which is displayed the expiry time of the paid for parking;
- (iii) on which the Tariff and the Parking Place corresponds with that specified on signs in the location of the relevant Car Park in which the Motor Vehicle is parked

"Virtual Parking Card" means an electronic record of a Parking Card which:

- (i) is issued by the Council or its agent in accordance with Council procedures;
- (ii) entitles the holder of the Parking Card to park in the relevant Car Park Parking Place;
- (iii) must be registered on an account in an electronic database approved by the Council

"Virtual Permit" means an electronic record of a Permit which:

- (i) is issued by the Council or its agent in accordance with Council procedures;
- (ii) entitles a Permit Holder to park in the relevant Permit Area in the Car Park Parking Place;
- (iii) must be registered on an account in an electronic database approved by the Council
- (iv) contains the same factual information as at Part IV (24) in relation to a Permit

Articles under PART II – 'Regulation of the use of parking place' of the existing orders, the said Articles shall be renumbered and include as follows: -

- 4 In this Order where any action or decision is to be taken by the Council or any officer of the Council it may be taken by the Council's agent acting on behalf of the Council.

a) Article 12 insert the following changes: -

- 12 (i) **after** "*ticket machine in the relevant position.*" **insert** 'A Pay & Display car park may also include the use of Pay by Phone as an alternative method of payment.  
(ii) The Driver of a vehicle using a parking place described as Pay by Phone (Only) in column 2 of Schedule 1, upon the vehicle left in a parking place, the driver shall have made an electronic payment using a Mobile Devices to the Council or its Agent. Once payment is excepted the vehicle will have been recorded as having any of Virtual Parking Ticked, Virtual Permit or a Virtual Parking Card.

b) Articles under Part III – 1. **after** "*lease arrangement or season ticket.*" **insert** 'Virtual Parking Tickets or Virtual Permits, the expiry time indicated on the electronic mobile device via SMS message or through the Council's or its agents App'.

c) Articles under Part IV – 4. **after** "Separate parking tickets" **insert** 'or virtual ticket'.

d) *Renumber Part IV and insert new paragraphs: -.*

15. Where the driver fails to produce a ticket/token to be used in line with Article 14 then the driver must enter the vehicle registration into the payment machine and identify their vehicle. An ANPR camera system may have recorded the vehicle entering the car park. The driver will then pay for the time they entered the car park to the time they pay to leave. In the event that the vehicle registration number was not recorded correctly or identified to the driver. The driver will enter the vehicle registration number into the machine and specified the time that they believe the vehicle entered the car park. The Council will accept payment in good faith, unless it can prove otherwise.
17. Where in any Parking Place to which this Order applies a Ticket Machine becomes inoperable for any reason the Driver of any Motor Vehicle using any such Parking Place shall pay at any other operational Ticket Machine located within the car park or use the Pay by Phone option as indicated and signed within the parking area. A ticket from a Ticket Machine indicating that the appropriate Parking Charge has been paid and shall display the ticket in the Relevant Position.
18. In the event of the failure of all the Ticket Machines at any Parking Place to which this Order applies the Council shall be at liberty to operate any such Parking Place by means of Pay by Phone only in accordance with Part II Article 12 (ii) of this Order until such time as the failure is rectified.

To revoke certain existing articles and provisions

**A COPY** of the Order, the Council's statement of reasons for making the Order and extract copies of the Order being amended may be seen during normal opening hours at Leicester City Council, Customer Service Centre, 91 Granby Street, Leicester, LE1 6FB.

If you wish to question the validity of the Order (which was made on **07<sup>th</sup> July 2021**) or of any provisions contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of that Act, or of any instrument made under it has not been complied with in relation to the Order, you may, within six weeks from the **07<sup>th</sup> July 2021** apply to the High Court for this purpose.

**THIS MINOR ORDER WILL COME INTO FORCE ON 26<sup>th</sup> JULY 2021.**

This Order is made to bring in new methods of payment at existing off-street car parking areas within the city of Leicester. This alternative method provides the ability for the public to use a cashless parking system by the use of and electronic mobile device to pay for their parking time. This method is commonly known as a Pay by Phone (Cashless Parking), which is to the Council or its agent. This option provides for virtual parking tickets, virtual permits or a virtual parking card (season ticket). Off Street parking area run by the council and covered by an Off-Street Parking Order, may provide for this method of payment and it will be signed on site. Including instruction on how to register to use this option. The updated articles will replace the existing articles for Off-Street Car Parking Orders

**THIS NOTICE IS DATED THIS 12<sup>th</sup> DAY OF JULY 2021**

Andrew L Smith  
Director of Planning Development and Transportation,  
Leicester City Council,  
City Hall, 115 Charles Street,  
Leicester, LE1 1FZ

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