



LEICESTER CITY COUNCIL

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

The Leicester City Council (hereinafter referred to as "the Council") in exercise of its powers 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:

PART I

General

1. This Order shall come into force on the 26th day of July 2021 and may be cited as the Leicester City Council (Off-Street Car Parks, Leicester) (Articles/Interpretations for Additional Method of Payment (Pay by Phone)) Minor Order 2021.
2. The Order listed below will be revoked in Part with the replacement of the Articles as made by this Order:

The Leicester (Off-Street Parking Places) Consolidation Order 2018.

Validity

1. If a Court, the Department for Transport, the National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

Interpretation

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

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

“the 1981 Act” means the Public Passenger Vehicles Act 1981 (as amended)

“the 1984 Act” means the Road Traffic Regulation Act 1984; (as amended)

“the 1985 Act” means the Transport Act 1985 (as amended)

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 683); (as amended);

“the 2004 Act” means the Traffic Management Act 2004; (as amended)

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

“the 2007 Order” means the Civil Enforcement of Parking Contraventions (Guidelines on Level of Charges) (England) Order 2007. (as amended)

“adult and toddler” means parking space/bay designated for use by a vehicle used to transport a child between the ages of 0 to 36 months, accompanied by a responsible adult.

“Authorised Officer” means a Civil Enforcement Officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the Car Park or any part thereof,

“Bus Apron” means the area within the boundaries of the designated bus station that is to enable buses to manoeuvre into and out of the boarding or layover bays that is not within a building.

“Bus Station” means a Parking Place established under Section 32 and 38 of the 1984 Act for use by Public Service Vehicles operating a “Local Service”. Section 35A (5) of the 1984 Act shall not apply to Public Service Vehicles using the bus stations described in this Order.

“Bus Station Permit” means a permit issued by the council to any vehicle of any class that allows for access into and use of the bus stations at St Margaret’s and Haymarket.

“Bus Station Parking Permit” means an annual permit issued by the Council to a motor car not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide for access into and use of the designated parking spaces provided for such use at St Margaret’s and Haymarket Bus Stations.

“Car Park” means the area of land or structure that is used for the purpose of providing Off-Street Parking Places, specified by name in Schedule 1, and defined by the plans included in Schedule 3 of this Order.

“Car Park Notice” means the notice that is displayed in each Car Park and describes the conditions contained in Schedules 1 and 2 of this Order under which a Motor Vehicle may be left in the Car Park.

“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.

“Charging Hours” means any period for which a charge is specified in Schedule 1 and Schedule 2.

“Controlled Hours” means the hours during which enforcement may be carried out.

“Council” means the Leicester City Council.

“Civil Enforcement Officer or CEO” as defined in the 2004 Act, or any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof.

“Designated Parking Place” means any area of land specified by name in Schedule 1 to this Order, provided by the Council under Section 32(1) of the 1984 Act for use as a Parking Place indicated by signs and/or lines to convey such use by “Motor Vehicles”, “Motor Cars”, “Motor Cycles”, “Public Service Vehicles” and “Pedal Cycle” as defined in this Order.

“Departure Charge” means a fee charged to public service vehicles using St Margaret’s and Haymarket Bus Station under Section 38(3) of the 1984 Act.

“Disabled Person’s Badge” and “Holder” has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and includes similar badges issued by other European Member States.

“Dispensation” means an authorisation, in writing, issued by the Council that entitles a specified motor vehicle to park in a Car Park which had been closed pursuant to Article Part IX of this order for a defined time.

“Driver” means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council’s satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper.

“Electric Vehicle Charging Point” means a parking space designated for use by an electric vehicle whilst re-charging its power supply.

“Evening Parking” refers to a rate known as ‘night owl’ on the tariff boards displayed in the Car Park.

“Grace Period” means a period in which a Penalty Charge Notice must not be issued to a vehicle parked in a designated Parking Place for a period of time not exceeding 10 minutes of a contravention being observed. The “Grace Period” does not apply to a vehicle that is parked un-lawfully (i.e., non-payment, failure to display ticket or permit and vehicle overstaying)

“Higher Level Contraventions” are as defined in the 2007 Regulations or any amendment or re-enactment thereof.

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

“Lease Agreement” means an arrangement whereby the Council may lease a parking space or any number thereof to a third party for an agreed fee and time period under a signed lease.

“Local Bus Service” has the same meaning as defined in the 1985 Act.

“Long Stay Permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force, which entitles a vehicle to park in a car park whilst displaying a parking ticket valid for the relevant date, in conjunction with the permit that indicates the permitted length of stay but displaying the issued permit in the Relevant Position.

“Lower Level Contraventions” means all parking contraventions which are not Higher Level Contraventions as defined in the 2007 Regulations or any amendment or re-enactment thereof.

“Motor Car” means a mechanically propelled vehicle as defined in Section 136(2) of the 1984 Act and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide.

“Motorcycle” means a mechanically propelled vehicle as defined in Section 136(4) of the 1984 Act but having no more than three wheels.

“Motor Vehicle” means an independent powered vehicle including but not limited to Motor Cars and Motorcycles as defined and a Motor Vehicle constructed or adapted for use for the conveyance of goods or burden the un-laden weight of which does not exceed 3050kg.

“Owner” in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper.

“Parking Area” means an area within a Car Park, that is set aside for Vehicles, but the area does not have any markings (painted or physical) on the surface to define a space/bay. The area may display signs for specified users.

“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”.

“Parking Contravention” applies to offences detailed in Schedule 7, Part 4 of the 2004 Act.

“Parking Ticket” means a ticket that has been produced and issued by a Ticket Machine or an Authorised Officer at a Car Park.

“Parking Place” means any area marked out on the surface to create a parking space/bay within a Car Park that is to be used by a Motor Vehicle.

“Pay on Foot” means for a Parking Place where payment of the tariff is made by means of receiving a ticket/token on entering the Car Park which is held by the Driver until such time as the driver returns to depart from the parking place. Payment is then made of the amount due for the period of time that the Motor Vehicle has been within the parking place. Upon receipt by the Council of the due amount, the ticket will be validated for exit from the Car Park.

“Pay and Display” means a Parking Place where the Driver makes a payment by the insertion of the appropriate coin, coins or other methods of payment provided for into the apparatus or device provided for a Motor Vehicle left in a Parking Place and whereby, a Parking Ticket is issued and exhibited in accordance with Part II (12) hereof.

“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.

“Pedal Cycle” means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted cycle of such class as it is to be treated as not being a Motor Vehicle for the purposes of the 1984 Act.

“Penalty Charge” and “Reduced Penalty Charge” means a charge set by the Council under the provisions of the 2004 Act and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a PCN.

“Penalty Charge Notice or PCN” means a charge notice issued or served by a CEO pursuant to the provisions of the 2004 Act.

“Permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a Parking Ticket but displaying the issued permit in the relevant position.

“Public Holiday” means Bank Holidays and all present and future public holidays as defined by the Cambridge dictionary.

“Public Service Vehicle” has the same meaning as defined in the 1981 Act.

“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.

“Relevant Legislation” means the 1981 Act, the 1985 Act, the 1984 Act, the 1991 Act, the 2004 Act, the 2007 Regulations, the 2007 Order and any future enactments and any Regulations made thereunder.

“Season Ticket” means a season ticket issued by the Council in accordance with the Council’s Conditions for issuing Season Tickets for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket but displaying the Season Ticket in the Relevant Position.

“Serve” in respect of a Penalty Charge Notice means the forms of service specified in Regulations 9 and 10 of the 2007 Regulations, including the service of PCN by post or any amendment or re-enactment thereof.

“Ticket Machine” means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues Parking Tickets indicating the payment of a charge, the date and time at which that charge was paid, and the time by which the Motor Vehicle must leave the Car Park.

“Trailer” means an independent non-powered towable apparatus not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide.

“Trailer Unit” means a trailer remaining attached to a Motor Vehicle whilst parked.

“Traffic Manager” has the same meaning as defined by Section 17 (2) of “the 2004 Act”

“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
- (iii) 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

“Vehicle” means a mechanically propelled Vehicle, intended or adapted for use on the road or a Pedal Cycle in actual use for the purpose of cycling.

“Vehicle Immobilisation and Removal” has the same meaning as that contained the 2004 Act (S79)

“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.

PART II

Regulation of the use of Parking Place

1. Each of the areas of land specified in Schedule 3 to this Order are authorised to be used, subject to the following provisions of this Order, as a Parking Place by such Motor Vehicles or classes of Motor Vehicles on such days during such hours as are specified in relation to that area in Schedule 1 to this Order, and subject to such charges as are specified in relation to that area in Schedule 2 to this Order.
2. The areas of land to be used as a Parking Place to which this Order applies, and the classes of vehicles permitted to use them, and the times of operation as set out in Schedules 1, 2 and 3 to this Order, may be varied from time to time as determined by resolutions of the Council.
3. The scale of charges for parking Motor Vehicles in the Parking Places to which this Order applies are set out in Schedule 2 to this Order, or such as may be determined by the Council. Notification will be by the publication of a Notice of Variation and displayed at the Car Park (hereinafter referred to as “the Charges”).
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

5. The driver of any Motor Vehicle in a Parking Place shall comply with any instructions given, whether orally by a person duly authorised in that respect by the Council, by directions, signs or in any other manner as to the route to be followed within the Car Park.
6. Where, in accordance with the provisions of this Order, a Parking Place is described as available for Motor Vehicles of specified classes, the driver of a vehicle shall not permit it to wait in that Parking Place unless it is of one of the specified classes.
7. The Traffic Manager of the Council may from time to time designate spaces in a Parking Place as being reserved for the official use of the Council.
8. A driver of a vehicle using a Parking Place shall not park the vehicle in any position other than within one of the spaces/bays in the Car Park indicated by white lines and/ or by signs or otherwise as being reserved for vehicles, and, in particular, such a Driver shall not park the vehicle on any space indicated by appropriate markings as being reserved for official use of a Disabled Persons Badge Holder unless they are such a holder, to keep clear and not park the vehicle in such a position as to impede the free access to and egress from the Parking Place.
9. In the absence of any such Parking Place or the indication of such parking space/bay by white lines, signs or otherwise, a Driver of a vehicle using any such Parking Place shall park the vehicle in an orderly manner so as to maximise the use of such Parking Places and shall not park the vehicle in such a position as to impede the free access to and egress from another Parking Place.
10. The Driver of a Motor Vehicle shall not permit it to wait in any of the Parking Places specified in the Schedules to this Order for longer than a continuous period of 24 hours.
11. The Driver of a Motor Vehicle using a Parking Place shall stop the engine as soon as the vehicle is in a position in the Parking Place and shall not start the engine, except when about to change the position of the vehicle or to depart from the Parking Place.
12. In so far as a Motor Vehicle is parked in a Car Park during the charging hours the driver thereof shall pay such charge or charges as are specified in the provisions of this Order and on the relevant Car Park notice, or hold a valid permit, Virtual Permit, long stay permit, be party to a lease agreement or season ticket.
 - (i) The Driver of a vehicle using a Parking Place described as Pay & Display in column 2 of Schedule 1, upon payment for a vehicle

left in a Parking Place, the driver thereof shall exhibit on the vehicle a Permit or Parking Tickets issued by the Ticket Machine in the relevant position. 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.
- (iii) The Driver of a vehicle using a Parking Place described as Pay on Foot in column 2 of Schedule 1 shall, before leaving the Parking Place, pay the appropriate charge in accordance with the Charges.
- (iv) The Charges shall be payable by the insertion of appropriate coin, coins or other means provided for into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the 1984 Act and provisions of Section 35(3) of the 1984 Act.
- (v) A Pay & Display ticket is not transferable from one vehicle to another.
- (vi) A Pay & Display ticket is valid only in the Parking Place in which it was issued.
- (vii) For disabled person's badge holders the badge must be displayed in the Relevant Position in accordance with the Blue Badge Scheme: rights and responsibilities in England documents provided at the time of issue of the blue badge. Parking is free.
- (viii) For permit, long stay permit, those party to a lease agreement and season ticket holders, a permit or Season Ticket must be displayed in the Relevant Position.

13. No Motor Vehicle or bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any Car Park.

14. Any object other than a Motor Vehicle placed within the boundaries of any Car Park without prior permission will be removed and stored off site at the owner's expense for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by the Council as it sees fit.

15. Save as provided below, no person shall, except upon the direction or with the permission of the Council, cause any Motor Vehicle to wait in any Car Park unless it is displaying, in the Relevant Position, a Parking Ticket, Season Ticket or permit or any Virtual Permit or Ticket valid for that Car Park at that time

- (i) St Margaret's Bus Station and Haymarket Bus Station are appointed as stations for the use of public service vehicles.
- (ii) Section 35A(5) of the Road Traffic Regulation Act 1984 shall not apply to public service vehicles using these parking places.
- (iii) The St Margaret's and Haymarket Bus Stations are Restricted Parking Zones and only for use by public service vehicles providing a local service, bus station permit holders or bus station parking permit holders.

PART III

Maximum Length of Stay for Motor Vehicles Using Car Parks

1. No Motor Vehicle shall be allowed to remain in a Car Park for longer than the maximum time permitted for that Car Park and/or for any period exceeding the expiry time indicated on the Pay and Display ticket or the permit, long stay permit, lease arrangement or Season Ticket. For a 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.
2. Motor Cycles may park in any designated Motor Cycle bay without payment.
3. No Motor Vehicle may be permitted to remain in a Car Park after the time for that car park to be open has expired.
4. No motor vehicle may remain in a designated limited waiting area, for longer than the time specified for that designated limited waiting area.

PART IV

Restrictions on Use of Parking Spaces

1. No person shall use a Motor Vehicle, while it is in a Car Park, in connection with the sale of any article to persons in or near the Car Park or in connection with the selling or offering for hire of his or her skills or services, except with the written consent of the Council.
2. No person shall use any part of a Car Park or any Motor Vehicle parked in a parking space/bay –
 - (i) for sleeping or camping or cooking; or
 - (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the car park; or

- (iii) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress.
3. A Motor Vehicle shall not be permitted to wait in a Car Park other than in a Parking Place. Under no circumstances is parking permitted on Restricted Areas that can be defined by single or double yellow lines, yellow or white hatched boxes, Keep Clear text is painted on floor surface or where there are signs informing that parking is not permitted. Except with the permission of the Council, every part of the Motor Vehicle must be wholly within the limits of the parking space and not more than one Motor Vehicle shall occupy any one such Parking Place.
4. Except with the permission of the Council, every part of a trailer must be parked within the limits of one Parking Place. A trailer unit must occupy no more than two parking spaces. Separate Parking Tickets or Virtual Ticket must be purchased for both the Motor Vehicle and trailer and must be displayed in the relevant position(s).
5. Where within the Car Park there is a sign or surface marking that indicates a Parking Place is available only for use by disabled persons, no Motor Vehicle shall be permitted to stand or wait in the parking space unless it is correctly displaying a valid disabled person's badge in the Relevant Position.
6. Where within the Car Park there is a sign or surface marking that indicates a Parking Place is available only for use by a particular class of Motor Vehicle, for example, but not limited to, adult and toddler up to 36 months old, no Motor Vehicle shall be permitted to stand or wait in the parking space/bay unless it is of that class or user.
7. No Motor Vehicle may be parked in such a manner that it obstructs any other Motor Vehicle.
8. Where in the Car Park or any part thereof, signs are erected or surface markings are laid for the purpose of:-
- i) indicating an entrance to or exit from the Car Park or any part thereof; or
 - ii) indicating that a Motor Vehicle using the Car Park, or any part thereof shall proceed in a specific direction within the Car Park or any part thereof

No person shall drive or permit to be driven any Motor Vehicle (i) so that it enters the Car Park or any part thereof, otherwise than by the entrance, or leaves the Car Park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.

9. No Motor Vehicle shall display a Parking Ticket that had been previously displayed on another Motor Vehicle or in another Car Park.

10. No Motor Vehicle shall display any Parking Ticket, Season Ticket, Permit, Parking Card or long stay permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
11. If an Authorised Officer has reasonable cause to believe that a document or article carried on a Motor Vehicle, or by the driver or person in charge of a Motor Vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the Motor Vehicle to deliver up the document or article.
12. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any Car Park shall be guilty of an offence under this Order and, in addition to the penalty provided by Section 35 of the Act shall be liable for the cost of the repair of the damage.
13. Where a ticket/token is issued to raise a barrier allowing entry to the Car Park, then the requirement contained in Part II Article 12 to this Order does not apply.
14. Where a ticket/token is used to raise the barrier so as to exit a Car Park, then a charge set in Column 2 of Schedule 2 of this Order must be made prior to the use of the ticket/token to activate that barrier.
15. Where the driver fails to produce a ticket/token to be used in line with Part IV 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.
16. Where any Motor Vehicle is left at any time in a Car Park specified in Schedule 1 in contravention of the provisions of this Order such that liability to a Penalty Charge arises, it shall be the duty of a CEO to attach a notice called a Penalty Charge Notice 'PCN', to the Motor Vehicle in a conspicuous position.

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.
19. Unless it shall be proved to the contrary indications given by a Ticket Machine of the date and time of issue or expiry (as appropriate) of a Parking Ticket or of the Parking Charge paid and of the machine number of the issuing Ticket Machine shall be evidence of such indications for the purpose of any proceedings for the recovery of a Penalty Charge.

PERMITS GENERALLY

20. A Permit shall be issued by the Traffic Manager or his agent in accordance with the criteria of issue of such Permits as determined by the Traffic Manager from time to time;
- (i) A Permit may be issued either in hard copy form or as a Virtual Permit; and
 - (ii) The provisions of this Order relating to Permits and Virtual Permit shall apply as appropriate.
21. The Council may require a, Permit Holder or a person who has applied for a Permit to supply to an Officer of the Council such evidence in respect of any, Permit or application for a Permit as it may require verifying the information given in the application or relating to the validity of the Permit or entitlement to a Permit.
22. A Card or Permit shall include the following particulars: -
- (i) the registration mark of the Motor Vehicle in respect of which the Permit has been issued;
 - (ii) the period during which the Permit shall remain valid;
 - (iii) an authentication that the Permit has been issued by the Council.

23. If a Permit is mutilated or defaced or the figures or particulars on it 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 may apply to the Council for the issue to him of a duplicate Permit and the Council, upon receipt of the Permit if such receipt is accompanied by an application for a duplicate Permit, shall issue a duplicate Permit so marked.
24. If a Permit is lost or destroyed, the Card or Permit Holder may apply to the Council for the issue to him of a duplicate Card or Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Card or Permit so marked.
25. The provisions of Articles 21 and 22 shall apply to a duplicate Permit and as if it were a Card or Permit, or as the case may be, an application therefor.
26. A Permit Holder may surrender a Permit to the Council.
27. A Permit shall cease to be valid at the expiration of the period specified thereon.

PART V

Exemptions from Payment

1. The following vehicles left in a Parking Place shall be exempt from the payment of any charges:
 - (i) An invalid carriage
 - (ii) A vehicle which displays a valid Disabled Person's Badge issued and displayed in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 including similar badges issued by other European Member States
 - (iii) A Motor Cycle parked in a designated Motor Cycle parking space/bay
 - (iv) A bicycle parked in a designated bicycle parking space or area.

PART VI

Penalty Charge for Use of Car Parks

1. If a Motor Vehicle is left in a Parking Place in contravention of or non compliance with this Order, a penalty charge shall be payable by the Owner/Hirer of the vehicle.
2. The penalty charge or reduced penalty charge shall be the sum of the following amounts:-

- (i) The penalty charge for higher level contraventions - band 2 as set out in Section 1 of the 2007 Order, subject to payment being received within 28 days beginning with the date of issue of the Penalty Charge Notice.
 - (ii) All other contraventions of the Order not so defined as higher level contraventions in accordance with the 2007 Order, will be set at the lower level penalty charge as defined in those regulations.
 - (iii) The reduced penalty charge - a fifty percent reduction of the penalty charge is subject to the payment being received within 14 days beginning with the date of issue of the Penalty Charge Notice.
 - (iv) If no payment is made within 28 days of the serving of the Penalty Charge Notice, the Council will issue a Notice to Owner advising of the unpaid charge.
 - (vi) If no payment is made within 28 days of serving the Notice to Owner the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of the 2007 Regulations. This will result in the penalty charge being increased by fifty percent.
3. Service of the Penalty Charge Notice, Notice to Owner or Charge Certificate by post is deemed effective on the second working day after the date of posting.
4. Where a contravention has occurred, a Civil Enforcement Officer may attach to the vehicle in a conspicuous position, or hand to the driver, a Penalty Charge Notice which shall comply with the requirements of Regulation 9 and the schedule to the 2007 Regulations.
5. Where a penalty charge has been incurred, a Penalty Charge Notice may be issued by post by the enforcement authority if the owner of the Motor Vehicle drives the Motor Vehicle away before the Civil Enforcement Officer has issued a Penalty Charge Notice or the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice. Such a Penalty Charge Notice shall comply with the requirements of of Regulation 10 and the Schedule to the 2007 Regulations.
6. Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the Penalty Charge Notice not later than 4.30pm by the date specified on the Penalty Charge Notice, but should the said office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm on the next full working day.

7. The particulars given in the Penalty Charge Notice attached to the Motor Vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
8. In the event of the driver failing to pay a penalty charge within the period stipulated in this Order, the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver.

PART VII

Restrictions on Removal of a Notice

1. When a notice has been attached to a Motor Vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf, or the driver or a person authorised by the driver in that behalf, shall remove the notice from the Motor Vehicle.

PART VIII

Motor Vehicle Removal

1. If a Motor Vehicle is parked in a car park in contravention of any of the foregoing provisions of this Order, the Council may remove the Motor Vehicle from that Car Park or arrange for such removal.
2. Any person removing, or causing the removal of, a Motor Vehicle by virtue of this Article, may do so by towing or driving the Motor Vehicle, or in such other manner as he may think reasonably necessary, to enable the Motor Vehicle to be removed.
3. Any person removing a Motor Vehicle by virtue of this Article shall make such arrangements as he considers being reasonably necessary for the safety of the vehicle in the place to which it is removed.
4. A Motor Vehicle will be stored for a period of 3 months after which time it will be sold, and any monies received put towards costs incurred in its removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by the Council as it sees fit.
5. Any costs associated with the removal and storage of Motor Vehicles will be payable by the driver of the Motor Vehicle and, if not paid, will be recoverable as a civil debt.

PART IX

Power of the Council to Close Car Parks

1. Nothing in this Order shall restrict the power of the Council by notice to suspend the operation of the Car Park or any part thereof, and when

the operation of the Car Park or part thereof is suspended, the Council shall display a notice or notices to that effect at the Car Park and at the Ticket Machines.

2. When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any Motor Vehicle to enter, stand, wait or be left in the Car Park, or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any Motor Vehicle being used in the service of a fire brigade or police force, or any Motor Vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
3. If at any time the Council shall require a Car Park, or part thereof, for any purpose whatsoever (including its use as a private Car Park in connection with a particular event), then the right of any person to park any Motor Vehicle thereon shall immediately terminate until the Council shall no longer require the Car Park or part thereof.
4. The Council shall not be liable in respect of loss or damage to any vehicle or the fittings or contents of any vehicle waiting, or moving in, or entering, or otherwise using a parking place.

IN WITNESS whereof the Leicester City Council have caused the Common Seal to
be hereunto affixed this Date 07th day of July 2021.

EXECUTED AS A DEED by)
LEICESTER CITY COUNCIL by)
affixing its Common Seal the day)
and year first before written: -)

Authorised Signatory

SCHEDULE 1

Name	Abbey Park Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket - Card holder 'CP1' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.1 metres
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	See board at car park entrance

Name	Dover Street Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket – Card holder 'CP2' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.0 metres
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	24 hours

Name	Haymarket Multi-Storey Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, season ticket – Card holder 'CP3' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.0 metres
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	24 hours

Name	Meynells Gorse Park and Ride (Ratby Lane)
Type	Off Street Permit, Long stay permit, lease agreement or season ticket
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.1 metres
Controlled Period	At all times
Maximum Continuous	24 hours

waiting period	
Car park opening times	6.15am – 8.00pm

Name	Newarke Street Multi-Storey Car Park
Type	Pay on Foot. Permit, Long stay permit, lease agreement, season ticket or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.05 metres
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	Monday to Thursday + Saturday 6.30am – 1.00am Friday 6.30am – 1.30am Sunday 10.00am – 6.00pm

Name	Phoenix Square Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket – Card holder 'CP4' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles or motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.1 metres
Controlled Period	At All Times
Maximum Continuous waiting period	Mon – Sat 24 hours Sun 4 hours
Car park opening times	24 hours

Name	St. Margaret's Pastures Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket - Card holder 'CP5' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.0 metres
Controlled Period	At all times
Maximum Continuous waiting period	Mon – Sat 24 hours Sun 6 hours
Car park opening times	24 hours

Name	Upper Brown Street Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket – Card holder 'CP6' or disabled person's badge

Class of Vehicle Allowed	Motor Vehicles or motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.25 metres
Controlled Period	At All Times
Maximum Continuous waiting period between 6am - 5pm	Mon-Sat 4 hours Sunday 3 hours
Car park opening times	24 hours

Name	Victoria Park Car Park
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket – Card holder 'CP7' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	24 hours

Name	Watermead Country Park Car Park (Alderton Close)
Type	Pay & Display or Pay by Phone Permit, Long stay permit, lease agreement, season ticket – Card holder 'CP8' or disabled person's badge
Class of Vehicle Allowed	Motor Vehicles excluding motor cycles not having an un-laden weight in excess of 30 cwt
Height restriction	2.2 metres
Controlled Period	At all times
Maximum Continuous waiting period	24 hours
Car park opening times	See board at car park entrance

Name	Haymarket Bus Station
Type	Departure Fees in accordance with the provisions of Section 38 of the 1984 Act
Class of Vehicle Allowed	<ol style="list-style-type: none"> 1) Public Service Vehicles operating a local service. 2) A Motor vehicle with a valid Bus Station Permit or bus station parking permit. 3) Any vehicle involved in the maintenance of the bus station.
Restrictions	<ol style="list-style-type: none"> 1) No pedestrian access permitted on the 'bus apron' except for authorised personnel or for the purposes of directly boarding or alighting a bus.
Controlled Period	At all times

Maximum waiting period	<ol style="list-style-type: none"> 1) lay over bays maximum wait 15 minutes or as determined on the Bus Station Permit or bus station parking permit. 2) Operational boarding bays maximum wait is 10 minutes.
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Name	St Margaret's Bus Station
Type	Departure Fees in accordance with the provisions of Section 38 of the 1984 Act
Class of Vehicle Allowed	<ol style="list-style-type: none"> 1) Public Service Vehicles operating a local service. 2) A Motor vehicle with a valid Bus Station Permit or bus station parking permit. 3) A Motor Vehicle with a valid Bus Station Parking Permit 4) Any vehicle involved in the maintenance of the bus station.
Controlled Period	At all times
Maximum waiting period	<ol style="list-style-type: none"> 1) The lay over bays maximum wait 45 minutes or as determined on the Bus Station Permit or bus station parking permit. 2) Operational boarding bays maximum wait is 10 minutes.
Restrictions	<ol style="list-style-type: none"> 1) No pedestrian access permitted on the 'bus apron' except for authorised personnel or for the purposes of directly boarding or alighting a bus.