

## LEICESTER CITY COUNCIL



### LEICESTER CITY COUNCIL (HERRICK, RUSHEY MEAD, LEICESTER) (PROHIBITION OF DRIVING AND WAITING RESTRICTIONS) TRAFFIC REGULATION ORDER 2024 (TME 2960)

Leicester City Council ("the Council") being a Civil Enforcement Area ("CEA") for the City of Leicester, in exercise of its powers conferred on it by Sections 1(1), 2(1) to (3), 4(2), 5 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), and all other enabling powers, and after consultation with the Chief Constable for the Leicestershire Police Authority in accordance with Part III of Schedule 9 to "the Act", hereby makes the following Order:-

#### Section 1 COMMENCEMENT, GENERAL AND DEFINITIONS

##### Citation and Commencement

1. This Order shall come into force for all purposes on the **10<sup>th</sup> day of June 2024** and may be cited as "Leicester City Council (Herrick, Rushey Mead, Leicester) (Prohibition of driving and waiting restrictions) Traffic Regulation Order 2024 (TME 2960)".

##### Interpretation.

2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

"At any time" means all hours on all days.

"Authorised Officer" means a Civil Enforcement Officer, qualified officers using or processing images from an Approved Device 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, may issue a Penalty Charge Notice for a Contravention.

"City" means the City of Leicester.

"Civil Enforcement Officer or CEO" means an individual employed by the Council or on behalf of the Council to act as a civil enforcement officer in accordance with section 76 of the Traffic Management Act 2004.

"Contravention" means a failure to comply with a restriction set out in this Order that may result in notification being given of a penalty charge in accordance with regulations made under section 78 of the Traffic Management Act 2004.

“Council” means the Leicester City Council.

“Cycle” means a pedal cycle not being propelled by mechanical power.

“Date of Issue” is the date that a PCN under Regulation 9 of the **Parking Regulations** was fixed to the vehicle or giving it to the person appearing to be in charge of the vehicle. For a PCN issued under Regulation 10 of the **Parking Regulations**, is the date the PCN was printed out for the purpose of service by first class post

“Date of Service” as ascribed in Regulation 3 (Service by Post) of the Parking Regulations.

“Detection Date” means the date on which a vehicle was detected as contravening this Order, according to the record produced by an Approved Device or CEO.

“Driver” in relation to a vehicle waiting in a Parking Place, means the person driving the vehicle at the time it was left in the Parking Place and in all other cases means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

“Emergency Service Vehicle” means a vehicle operated by the police, fire & rescue service or ambulance service.

“Enactment” includes any Act, Order or Regulation made under any Act of Parliament.

“Entrance Clearway” means an area of Carriageway with the relevant Road Marking adjacent to a school or other educational institution, Police, Fire or Ambulance Station in which to Stop a Motor Vehicle in that area is prohibited.

“Footway” means that part of the Highway over which the public have a right of way for the passage of pedestrians.

“Highway” mean land over which the public have a right to pass and repass.

“Hours of Operation” means those hours and day specified in column 2 of Section 2 being the time period during which a designated parking Prohibitions, Restriction or Provision apply.

“Immobilisation Device” has the same meaning as defined in section 104(9) of the 1984 Act.

“Legally Qualified Medical Practitioner” has the same meaning as in section 52 of the Medical Act 1956.

“Motor Cycle” and “Motor Vehicle” have the meaning as in section 136 of the 1984 Act.

“Offence” means a failure to comply with restrictions set out in this Order that may result in the issue of a Fixed Penalty Notice or a fine issued by the courts under any Enactment that makes any provision of this Order a criminal offence.

“One-way Street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited.

“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

“Part Number” means a unique number in Column 1 of Sections 2, 3, 4, 5 and 6 of this Order and is linked to a Restriction or Provision as defined in Column 2 of Sections 2, 3, 4, 5 and 6 of this Order.

“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 pedal cycle of such class as 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 Levels of Charge Order and selected by the Council under the provisions of Part 6 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 notice issued or served by a CEO pursuant to the Parking Regulations and the provisions of Part 6 of the 2004 Act.

“Permit” means a permit issued by or on behalf of the Council under the provisions of section 8 of this Order.

“Permit Holder” means a person to whom a Permit has been issued under the provisions of section 8 and schedule 2 of this Order.

“Permitted Hours” means the days and period specified in column 2 of Section 2, 3 and 6 being the period during which a restriction, parking place or designated parking place applies.

“Relevant Legislation” means an Act, Order or Regulation listed within Article 2. (i) Statutory References of this Order.

“Relevant National Authority” means the Secretary of State in respect to England.

“Relevant Particulars” means particulars relating to the identity of the keeper of the Motor Vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994.

“Restricted Road” means a road or length of road where access by a Motor Vehicle is prohibited during the specified Hours of Operation. The Council may exempt Motor Vehicles by issuing an access permit that is subject to terms and condition of use.

“Road(s)” means the area between two Highway boundaries excluding any defended footway loading area, footway Parking Place or Lay-by and includes any length of Road.

“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.

“Royal Mail” means the national postal service of the United Kingdom so named

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

“Solo Motorcycle” means a Motorcycle without a sidecar and having two wheels.

“Stop” means for a Motor Vehicle where its road wheels are no longer in motion and has resulted in the Motor Vehicle being stationary on the Highway.

“Traffic Manager” shall have the meaning ascribed to it by section 17(2) of the 2004 Act in relation to that Officer so named for the Council.

“Traffic Sign” means a sign of any size, colour and type prescribed or authorised under Traffic Sign Regulations, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

“Taxi” means a Hackney Carriage Vehicle licensed under section 37 of the 1847 Act.

“Statutory Undertaker” has the meaning ascribed to “undertaker” in section 48(4) of the New Roads and Street Works Act 1991.

“Vehicle” means: -

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

“Vehicle Immobilisation and Removal” has the same meaning as that contained the Section 79 of the 2004 Act

“Waiting” means that a Vehicle is stationary for the purpose of boarding and alighting of passengers, Loading or parked for the temporary period of time.

## 2. (i) **Statutory References**

The following statutory references (as amended) shall have the meaning ascribed to them as specified:

“1847 Act” means the Town Police Clauses Act 1847;

“1976 Act” means the local Government (Miscellaneous Provisions) Act 1976;

“1980 Act” means the Highways Act 1980;

“The 1984 Act” means the Road Traffic Regulation Act 1984;

“Postal Services Act” means the Postal Services Act 2000;

“1985 Act” means the Transport Act 1985;

“1988 Traffic Act” means the Road Traffic Act 1988;

“1988 Offenders Act” means the Road Traffic Offenders Act 1988;

“2004 Act” means the Traffic Management Act 2004;

“Disabled Person’s Exemption Regulations” means the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 (SI No.683);

“Traffic Sign Regulations” means the Traffic Signs Regulation and General Directions 2016 (SI No.3484).

- 3 (i) Any reference in this Order to a road by its name shall be construed as a reference to the road in the City bearing that name.
  - (ii) Any reference to a part number in this Order shall be construed as a reference to the traffic restriction detailed in Section 2, 3 or 6 bearing that part number.
  - (iii) The restrictions detailed in Column 2 of Sections 2, 3 or 6 shall be subject to such conditions as may be specified in column 3 by a number referring to a condition defined in Section 7 of this order
  - (iv) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any other enactment.
4. The locations, roads or lengths of Road specified in Column 2 of Schedule 1 of this order shall be subject to the restrictions set out in Column 1 of Schedule 1 identified by the part number. To assist in identifying the location of any manoeuvre restrictions a summary of the restriction may be included in the location description in Column 2 of Schedule 1, regardless of that summary the restriction shall be defined by the full description of that restriction contained in Section 2 of the order.
  5. For the purpose of this Order unless otherwise stated the location of a restriction identified in Column 2 of Schedule 1, which refers to a measurement from a junction shall be construed as a measurement from the intersection of the highway boundaries on the side of the junction in which direction the measurement is prescribed. Where a restriction identified in column 2 of schedule 1 is stated as commencing from or extending to a junction with another Road it shall be construed as starting from or extending to a point at the intersection of the centrelines of the two roads.
  6. Unless otherwise stated all restrictions specified in this Order shall be deemed to apply to the whole of the highway at the locations specified including any carriageway, central reservation, footway, verge or other land forming part of that highway.

## Section 2

### Traffic Manoeuvre Restrictions

| Column 1 | Column 2  | Column 3           |
|----------|---|--------------------|
| Part 100 | <b>One Way Traffic Restriction</b><br>No person shall drive or cause or permit to be driven any Vehicle on any length of Road to which this restriction is applied otherwise than in the direction specified. Provided that this restriction shall not apply to a mechanical street cleansing Vehicle between the hours of 11.00pm and 7.00am the following day.  | 1i, 1ii            |
| Part 126 | <b>Prohibition Of Driving, All Motor Vehicles Except Permit Holders, 8am to 9am &amp; 2.30pm to 4pm from Monday to Friday Inclusive.</b><br>No person shall drive or cause or permit to be driven any motor vehicle on the days and time specified on any road or length of road to which this restriction is applied except for a motor vehicle displaying a permit issued by the Council specifically to access any road or length of road listed in this Order where this restriction applies. This restriction shall not apply to pedal cycles. | 1i, 1ii, 1iii & 1v |

## Section 3

### Waiting Restrictions

| Column 1 | Column 2  | Column 3                    |
|----------|---|-----------------------------|
| Part 207 | No person shall cause or permit a Vehicle to wait at any time on any of the Roads or lengths of Road specified to which this restriction is applied.  | 2i, 2ii, 2iii, 2iv, 2v, 2vi |
| Part 246 | No person shall cause or permit a motor vehicle to wait at any time on the footway or verge of any of the roads or lengths of road specified to which this restriction is applied, except when waiting in the on-street parking bays provided for that purpose partly or fully on the verge or footway. A motor vehicle waiting partly or fully on the verge or footway | 2i, 2ii                     |

must be parked wholly within the parking bay provided for that purpose.

## Section 6

### Clearway Restrictions

Column 1

Column 2

|          |   |                           |
|----------|---|---------------------------|
| Part 502 | SCHOOL ENTRANCE ZIG ZAG. No Person shall stop or cause or permit a vehicle to stop or to wait or load or unload in any of the prohibited areas on any of the roads or lengths of road specified to which this restriction is applied between the hours of 8.00am and 5.00pm Monday to Friday during School term time. For the purpose of this restriction a prohibited area is an area of road to which this restriction is applied which is marked in accordance with diagram 1027.1 of The Traffic Signs Regulations and General Directions 2002. On any road or part of a road to which this restriction is applied and to which any other waiting restriction is applied this restriction shall prevail during the period 8.00am and 5.00pm Monday to Friday during School term time. | 3i, 3ii,<br>3iii,<br>3iv. |
|----------|---|---------------------------|

## Section 7

### Conditions and Exclusions.

- 1i. It shall not be an offence or contravention to cause or permit a Vehicle to enter or be driven on any length of Road specified in Schedule 1 Column 2 of this Order to which a restriction applies in a manner contrary to that restriction provided that the person is acting upon the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.
- ii. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of Road specified in Schedule 1 Column 2 of this Order to which a restriction applies in a manner contrary to that restriction if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- iii. It shall not be an offence or contravention to cause or permit a Vehicle to enter or be driven on any length of Road specified in Schedule 1 Column 2 of this Order to which a restriction applies in contravention of that restriction to enable the Vehicle, if it cannot conveniently be used for such purpose on any other Road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or re-construction of any of the lengths of Road or to enable work by any undertaker to be carried out relating to any pipe, cable, sewer or apparatus in or on that Road.
- iv. It shall not be an offence or contravention to cause or permit a Vehicle to enter or be driven on any length of Road specified in Schedule 1 Column 2 of this order to which a restriction applies in contravention of that restriction to enable the Vehicle to gain access to an off-street parking place.

2. i. It shall not be a contravention to cause or permit a Vehicle to wait or to load and unload on any length of Road specified in Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies provided that the person is acting upon the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.
- ii. It shall not be a contravention to cause or permit a Vehicle to wait or to load and unload on any length of Road specified in Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- iii. It shall not be a contravention to cause or permit a Vehicle to wait on any length of road specified in Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable a person to board or alight from such Vehicle.
- iv. It shall not be a contravention to cause or permit a Vehicle to wait on any length of Road specified in Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable postal packets to be loaded or unloaded from a postal vehicle.
- v. It shall not be a contravention to cause or permit a Vehicle to wait on any length of Road specified in Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies in contravention of that restriction to enable the Vehicle, if it cannot conveniently be used for such purpose on any other Road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or re-construction of any of the lengths of Road or to enable work by any undertaker to be carried out relating to any pipe, cable, sewer or apparatus in or on that Road.
- vi. It shall not be a contravention to cause or permit a Vehicle to wait on any length of Road specified in Schedule 1 Column 2 of this Order to which a waiting restriction applies for up to 3 hours with return prohibited within a further consecutive period of 1 hour where the restriction is a prohibition of waiting and for any length of time where the restriction is a limit on the duration for which waiting is permitted provided that the Vehicle is displaying a disabled persons blue badge in accordance with the rules appertaining to the issuing of such a badge or a disabled persons blue parking card issued in accordance with the rules of any member State of the European Community. Provided that no such Vehicle shall wait where a prohibition of loading and unloading is in force, in a bus lane or in a loading only bay.
- vii. It shall not be a contravention to cause or permit a Vehicle to wait on any length of Road specified in Schedule 1 Column 2 of this Order to which a street Parking Place Order applies, in contravention of the conditions applicable to that Parking Place if the Vehicle displays a valid Permit issued by the Council to allow the Vehicle to wait at that location.

## **Section 8**

### **Permits**

1. The Council may at its discretion when satisfied that it is expedient to do so issue Permits to allow Motor Vehicles to wait or to load and unload on sections of Road in a manner contrary to the restrictions imposed on that section of Road or to allow the use of Parking Places on a Road by Specified Classes of Vehicle or by specific persons.



2. The Council may issue such Permits either free of charge or on payment of such fees as the Council may from time to time determine as specified in Schedule 2 of this Order.
3. The Council may from time to time make rules as to the issuing and use of Permits and Permits issued will only be valid if issued and used in accordance with those rules as specified in Schedule 2 of this Order.
4. Any Permit issued remains the property of the Council and must be returned to the Council if required.
5. Only original Permits issued by the Council shall have the effect of allowing a Motor Vehicle to wait or to load or unload in contravention of the waiting or loading restrictions, to park in a Permit controlled Parking Place.
6. Permits must be clearly displayed at all times that a Motor Vehicle occupies a Parking Place requiring the display of a Permit. On any Motor Vehicle fitted with a front windscreen the Permit must be displayed on that front windscreen in a manner which allows the details of the Permit to be clearly seen from outside of the Motor Vehicle. On Motor Vehicles not fitted with a front windscreen the Permit must be displayed in such a position as to make the details of the Permit clearly visible from outside of the Motor Vehicle. Only Permits displayed in this manner will have the effect of allowing a Motor Vehicle to wait or to load or unload in contravention of the waiting or loading restrictions or to use the Permit Parking Place.
7. All Permits issued by the Council intended to be used to allow a Motor Vehicle to enter a restricted street or to wait or to load or unload on part of a Road contrary to the waiting or loading restrictions or to wait in a part of a Road where the display of a Permit is required shall be marked with the registration number of the Motor Vehicle and shall only be valid when displayed on the Motor Vehicle bearing that registration number.

### **Section 10**

#### Contraventions & Enforcement of Restrictions Imposed by this Order.

1. If a vehicle is left in a parking place during the Permitted Hours or in any road or length of road in contravention of any provision of Sections 3, and 6 of this Order, a Penalty Charge may be payable and /or the Vehicle may be immobilised or removed from that location.
2. Enforcement of waiting, loading and parking prohibitions and restrictions set out in sections 3, 4 and 5 of this Order will be carried out by Civil Enforcement Officers employed by or on behalf of the Council by the issuing of Penalty Charge Notices. Enforcement and the issuing of PCN will be undertaken as prescribed in the Regulations and will be subject to such rules regulations and guidelines that may be prescribed from time to time by the Secretary of State for Transport.
3. The level of Penalty Charge to be imposed including any discounts or increases due to early or late payment will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation.

4. Vehicles parked in contravention of waiting, loading and parking prohibitions and restrictions may also be either fitted with an immobilisation device or be removed to a storage facility subject to such rules regulations and guidelines as may be issued by the Secretary of State for Transport. The fees to be paid for the removal of an immobilisation device or the return of the vehicle to its owner will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation. The Council may require the payment of all outstanding Penalty Charges incurred by the Owner of a Vehicle before removing an immobilisation device or returning a Vehicle to its Owner.
5. Moving traffic offences relating to the manoeuvre restrictions set out in Section 2 of this Order will be enforced by such uniformed officers employed by the Chief Constable for Leicestershire as specified in legislation. In addition, any contraventions that the Secretary of State determines may be dealt with under civil enforcement powers may be dealt with by officers appointed by or on behalf of Leicester City Council in accordance with any rules, regulations or guidelines that may be prescribed.

**Section 11**  
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 unenforceable; such declaration shall not invalidate the remainder of the Order.

**Section 12**

Revocation or Suspension of Former Orders and Parts of Former Orders.

- 1.i. The Leicester (Consolidation) Traffic Regulation Order 2006 (as amended).
- ii Each Order specified in 1.i. to Section 12 of this Order is hereby revoked insofar as it related to any Road item specified in Schedule 1 of this Order.
- iii Where any document refers, whether specifically or by means of a general description, to a provision of an Order revoked by this Order or is to be construed as so referring, the reference shall, where the context otherwise requires, be construed as or as including, a reference to the corresponding provision of this Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 5<sup>th</sup> June 2024.

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



## **SCHEDULE 1**

### **Arran Road**

Both sides

Part 246 No waiting on the verge or footway except in the on-street parking bays provided, both sides, from its junction with Braemer Drive to 10 metres south of the south side of its junction with Hardy's Avenue

North-west side

Part 207 from a point 10 metres south-west of its junction with Hardy's Avenue to a point 10 metres north-east of its junction with Hardy's Avenue

Part 207 from a point 10 metres south-west of its junction with Braemar Drive to its junction with Braemar Drive

South-east side

Part 207 from its junction with Braemar Drive to a point 10 metres south-west of its junction with Braemar Drive

Part 502 from 54 metres north-east of Lockerbie Avenue for 25.6 metres in a north-easterly direction.

### **Lockerbie Avenue**

Part 100 One Way Street from its junction with Gleneagles Avenue to its junction with Dalkeith Road travelling in that direction

Part 126 from its junction with Gleneagles Avenue to its junction with Dalkeith Road travelling in that direction

North side

- Part 207 from its junction with Glencoe Avenue to a point 21 metres north-east of its junction with Glencoe Avenue
- Part 502 from 90 metres west of Gleneagles Avenue for 25.6 metres in a westerly direction.
- Part 502 from 40 metres west of Gleneagles Avenue for 31.6 metres in a westerly direction.
- Part 207 from a point 10 metres north-west of its junction with Gleneagles Avenue to its junction with Gleneagles Avenue

South side

- Part 207 from its junction with Gleneagles Avenue to a point 10 metres north-west of its junction with Gleneagles Avenue
- Part 207 from a point 21 metres north-east of its junction with Glencoe Avenue to its junction with Glencoe Avenue

**SCHEDULE 2**

RESTRICTED ACCESS PERMITS

Where there is a prohibition of driving except for permit holders.

Restricted Access Permits shall be issued free of charge, but only to qualifying vehicles.

The zone identifier on the permit will need to match the same zone identifier as on the sign plate on street.