

OADBY AND WIGSTON BOROUGH COUNCIL

THE BOROUGH OF OADBY AND WIGSTON
(OFF-STREET PARKING PLACES) ORDER 2021

Oadby and Wigston Borough Council (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32, 33, 35, 35a and 38 of the Road Traffic Regulation Act 1984 and Parts I, III, IV, V and VI of Schedule 9 to the Act, the Traffic Management Act 2004 (“the 2004 Act), all regulations and Orders conferred by the 2004 Act and of all other enabling powers, with the consent of Leicestershire County Council in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and the Area Traffic Commissioner under Part V of Schedule 9 of the 1994, hereby makes the following Order.

PART 1 – GENERAL

Title, Citation and Date of Operation

1. This Order shall come into operation on the [] 2021 and may be cited as “The Borough of Oadby and Wigston (Off-Street Parking Places) Order 2021”.
2. Any references to “this Order” accordingly relate to “The Borough of Oadby and Wigston (Off-Street Parking Places) Order 2021”.

Revocations

3. The Borough of Oadby and Wigston (Off-Street Parking Places) Order 2015 and all previous amendment Orders to that Order and all other Off-Street Parking Places Orders issued by the Council are hereby revoked.

Interpretation

4. Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to a numbered Schedule is a reference to the Schedule bearing that number in this Order.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
6. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
7. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“the 1984 Act” means the Road Traffic Regulation Act 1984 or any amendment or re-enactment thereof;

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682) or any amendment or re-enactment thereof;

“the 2004 Act” means the Traffic Management Act 2004 or any amendment or re-enactment thereof;

“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 a Parking Place or any part thereof;

“Bicycle” means a non-powered Vehicle normally with two wheels (but up to four) attached to a frame, to include, but not exclusively a tricycle;

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

“Causes” includes permits;

“CEO” means a Civil Enforcement Officer or any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the Parking Place or any part thereof;

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

“Coach” means a chartered bus constructed to carry more than eight seated passengers in addition to the Driver;

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

“Council” means Oadby and Wigston Borough Council and its agents or representatives;

“Credit Card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a Vehicle;

“Debit Card” means a card or similar thing issued by any person, use of which enables the holder to cause the charge for parking a Vehicle to be paid by the electronic transfer of funds from any current account of his at a bank or other institution providing banking services;

“Designated Limited Waiting Area” means any area within the boundary of any Parking Place that is signed indicating a restricted waiting time;

“Disabled Person's Badge” means, a badge and time clock issued by a local authority in the form prescribed by Regulation 11 in the 2000 Regulations, or as prescribed in any subsequent Regulations in force from time to time, for display on or inside a Vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with Regulation 7 of those Regulations and is valid;

“Disabled Person’s Vehicle” means a Vehicle lawfully displaying a valid Disabled Person’s Badge.

“Dispensation” means an authorisation, in writing, issued by the Council that entitles a specified Vehicle to park in a Parking Place which had been closed pursuant to Article 63 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” means a Vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any other source of power when the Vehicle is in motion;

“Electric Vehicle Charging Point” means the location at which an electric vehicle charging post is situated for the purpose of the charging of Electric Vehicles or Hybrid Vehicles by means of a connecting lead;

“Electric Vehicle Charging Post” means an apparatus which supplies electricity for the charging of Electric Vehicles or Hybrid Vehicles;

“Electric Vehicle Parking Bay” means an area of a Parking Place as indicated by a sign or marking on the surface of the Parking Place provided for the leaving of an Electric Vehicle or Hybrid Vehicle as shown on the Schedule 1;

“Goods Vehicle” shall have the meaning as defined in section 136(2)(b) of the 1984 Act.

“Hand Held Device” means any portable device used by a CEO to supervise and enforce compliance in accordance with the provisions of this Order.

“Higher Level Contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof as mentioned in Schedule 3;

“Hybrid Vehicle” means an Electric Vehicle which has at least one other energy source for traction purposes;

“Loading and Unloading” when every part of a Vehicle is parked in a Parking Place or Parking Bay marked for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at the premises adjacent to

the Parking Place or Parking Bay and the Vehicle does not park for more than 40 minutes or such longer period as duly Authorised Officer of the Council may authorise;

“Lower Level Contraventions” means all Parking Contraventions which are not defined as Higher Level Contraventions as mentioned in Schedule 3;

“Motor Car” shall have the meaning as defined in section 136(2)(a) of the 1984 Act.

“Motor Cycle” shall have the meaning as defined in section 136(4) of the 1984 Act.

“Motor Vehicle” shall have the meaning as defined in section 136(1) of the 1984 Act.

“Owner” means the legally responsible person or organisation;

“Parking Bay” means an area in the Parking Place, marked on the surface of the Parking Place by lines or indicated by signs, which is provided for the parking of Vehicles;

“Parking Contravention” means an offence as specified in paragraph 4 of Schedule 7 of the Traffic Management Act 2004;

“Parking Permit” means any permit, in both a physical or virtual format, 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 Parking Place without displaying a Parking Ticket;

“Parking Place” means the area or areas of land, specified by name in Schedules 1 and 2, defined by the Plans included in those Schedules;

“Parking Ticket” means the ticket issued by means of the Ticket Machine indicating its period of validity;

“Payment By Phone” means the Telephone Payment System provided by the Council or appointed service provider;

“PCN” means a Penalty Charge Notice;

“Penalty Charge” means a charge payable in respect of a Vehicle which has committed a Parking Contravention;

“Penalty Charge Notice” means a Penalty Charge Notice as defined in regulation 8 (1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

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

“Public Service Vehicle” means a Vehicle suitable for carrying nine or more passengers and doing so for hire or reward;

“Relevant Legislation” means the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Traffic Management Act 2004, any enactments and any Regulations made thereunder;

“Relevant Position” means exhibited on the dashboard or fascia of the Vehicle, in a conspicuous position on the Vehicle, so that the front is visible and clearly legible from the outside of the Vehicle. Parking tickets valid for Trailers must be displayed in the Relevant Position of the attached or accompanying Vehicle or on the Trailer if not attached or accompanied by a Vehicle;

“Restricted Area” means any area on or within the boundary of any Parking Place marked with a single or double yellow lines or marked hatched or cross-hatched with lines of any colour;

“Serve” in respect of a PCN means the forms of service specified in regulations 9 and 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or any amendment or re-enactment thereof, including the service of PCN’s 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 Vehicle must leave the Parking Place;

“Trailer” shall having the meaning as defined in section 136(1) of the 1984 Act.

“Trailer Unit” means a Trailer remaining attached to a Vehicle whilst parked;

“Vehicle” means any Vehicle, whether or not it is in a fit state for use on roads, and includes any Coach, Disabled Person’s Vehicle, Goods Vehicle, Motor Car, Electric Vehicle, Hybrid Vehicle, Motor Cycle, Public Service Vehicle, Trailer, caravan or similar and any chassis or body, with or without wheels, appearing to have formed part of such Vehicle and any load carried by, and anything attached to, such Vehicle.

PART 2 – REGULATIONS

Use of Land and Parking Places

8. The Corporate Assets Manager or other Authorised Officer of the Council as designated by the Chief Executive of the Council may from time to time designate Parking Bays in a Parking Place as being reserved for the official use of the Council.

9. Each area of land specified by name in Schedules 1 and 2 may be used at all times subject to the following provisions of this Order as a Parking Place for
10. Vehicles on such days and for such periods and for such persons as are specified in Schedules 1 and 2. No person shall unless authorised in writing by the Council use any Parking Place or any part thereof for any other purpose.
11. In so far as a Vehicle is parked in a Parking Place 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 Parking Place Notice and shall purchase a Parking Ticket or Parking Permit paying such charge or charges as specified by the provisions of this Order.
12. The Driver of the Vehicle shall:
 - (a) display the Parking Ticket or Parking Permit issued on payment of the charge in the Relevant Position in respect of which it was issued ensuring that the ticket or permit is clearly visible in the front of the Vehicle and clearly shows the validity of the ticket or permit;
 - (b) ensure that the Parking Ticket or Parking Permit is purchased and displayed to cover the entire period that the Vehicle is parked in the Parking Bay; and
 - (c) for Disabled Person's Badge holders, the badge and time clock must be displayed in the Relevant Position in accordance with the Blue Badge Scheme and any other rights and responsibilities as specified in any documents provided at the time of issue of the blue badge. Where permitted, parking is free for the first 3 hours for blue badge holders. For parking over 3 hours, a Parking Ticket must be purchased by the blue badge holder and this ticket must be displayed in the Relevant Position.
13. If at any time while a Vehicle is left in a Parking Place and no Parking Ticket is displayed on that Vehicle in the Relevant Position, it shall be deemed that the charge has not been paid and will be subject to the penalty provisions within this Order, unless the Vehicle is displaying the following:-
 - (a) any other Parking Permit that may be issued by the Council from time to time; or
 - (b) a valid Disabled Person's Badge and time clock.
14. A Parking Ticket is valid only in the Parking Place in which it was issued, for the time displayed on the ticket, as defined by the Parking Place name on the ticket.
15. If at the time when a Vehicle is left during the Charging Hours in a Parking Bay on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Ticket Machine is out of order, then a Parking Ticket shall be obtained from another machine within that Parking Place (where provided).

16. Where no valid Parking Ticket can be obtained as a result of the Ticket Machine being designated as out of order in accordance with Article 14 any displayed Vehicles may be left in a Parking Place but may not be left for longer than the maximum time permitted within the Charging Hours for that Parking Place as specified in Schedule 1.
17. Payment By Phone information signs and the relevant location identification number signs shall be located in each Parking Place where Payment By Phone is in operation and will provide information in relation to the operation and use of Payment By Phone.
 - (a) The payment of the parking charge using Payment By Phone will relate only to the Parking Places as indicated by the Location Identification Number displayed on the Location Identification Number sign situated in the Parking Place.
 - (b) Where a Vehicle has been left in a Parking Place operating Payment By Phone, an indication that the relevant parking charge has been made in respect of that Vehicle using Payment By Phone together with an indication of the parking periods for which payment has been made shall appear on the Hand Held Device.
 - (c) Without prejudice to the provisions of the Articles within this Order, if at any time whilst a Vehicle is left in a Parking Place referred to in the appropriate Schedule(s) of this Order, no indication appears on the Hand Held Device that payment of the relevant charge has been made using Payment By Phone or a Hand Held Device indicates that the payment period for which payment was made using Payment By Phone has expired, it shall be presumed that either:
 - (i) The relevant parking charge has not been duly paid in respect of that Vehicle in accordance with the provisions contained within this Order; or
 - (ii) The parking period for which payment was made using Payment By Phone has expired.

And in either case, a CEO may Serve a PCN.

18. Where a Vehicle has been left in a Parking Place operating virtual Parking Permits, an indication that the relevant parking charge has been made in respect of that Vehicle together with an indication of the parking period for which payment has been made shall appear on the Hand Held Device.
 - (a) Without prejudice to the provisions of the Articles within this Order, if at any time whilst a Vehicle is left in a Parking Place referred to in the appropriate Schedule(s) of this Order no indication appears on the Hand Held Device that payment of the relevant charge has been made for a virtual Parking Permit or a Hand Held Device indicates that the payment period for which payment was made for a virtual Parking Permit has expired it shall be presumed that:

- (i) The relevant parking charge has not been duly paid in respect of that Vehicle in accordance with the provisions contained within this Order; or
- (ii) The parking period for which payment was made for a virtual Parking Permit has expired.

And in either case, a CEO may Serve a PCN.

19. No Vehicle or Bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any Parking Place.
20. No Vehicle shall remain within the boundaries of any Parking Place for a period longer than 2 weeks unless displaying a valid form of Parking Ticket(s) or otherwise having in place a Parking Permit to cover the entirety of that parking period or with written permission from the Council. Any Vehicle overstaying this period and not meeting one of the aforementioned conditions will be deemed abandoned and therefore subject to Articles 57 to 61 of this Order.
21. No Vehicle shall enter or remain within the boundaries of any Parking Place if it does not have a valid Vehicle road fund licence applicable for that Vehicle at that time. Any Vehicle found not to have a valid Vehicle road fund licence may be removed from the Parking Place and stored off site for a period of 7 days after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any costs associated with the removal and storage of Vehicles will be payable by the registered keeper of the Vehicle. Any surplus remaining after deductions for removal and storage costs will be used by the Council as it sees fit.
22. Any Vehicle deemed unroadworthy by virtue of not having a current Department for Transport Vehicle roadworthy certificate valid for that Vehicle at that time, may be removed from the Parking Place and stored off site for a period of 7 days after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any costs associated with the removal and storage of Vehicles will be payable by the registered keeper of the Vehicle. Any surplus remaining after deductions for removal and storage costs will be used by the Council as it sees fit.
23. Any object other than a Vehicle placed within the boundaries of any Parking Place without prior permission will be removed and stored off site at the Owners expense for a period of 7 days 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.
24. Save as provided below, no person shall, except upon the direction or with the permission of the Council, cause any Vehicle to wait in any Parking Place, unless it is displaying in the Relevant Position (where applicable) a Parking Ticket or otherwise having in place a Parking Permit valid for that Parking Place at that time or a valid Disabled Person's Badge and time clock.

Maximum Length of Stay for Vehicles Using Parking Places

25. During the controlled times no Vehicle shall be allowed to remain in a Parking Place for longer than the maximum time permitted for that Parking Place, nor may a Vehicle return to that Parking Place until after the expiry after departure of such times as stipulated in Schedule 1.
26. Vehicles correctly displaying a Disabled Person's Badge and time clock may park without payment, for a period not exceeding 3 hours duration within any marked disabled Parking Bay or other Parking Bay in the limit of the Parking Place with the exception of any Designated Limited Waiting Areas, including but not limited to, 30 minute short stay Parking Bays.
27. No Vehicle may remain in a Designated Limited Waiting Area, for longer than the time specified for that Designated Limited Waiting Area.
28. Without the prior written agreement of the Council, no person shall within a Parking Place:
 - (a) reserve a Parking Bay;
 - (b) distribute or affix or cause to be distributed or affixed to any Vehicle left in a Parking Place any literature or leaflet of any nature;
 - (c) leave a Vehicle carrying dangerous substances as defined in the Carriage of Goods by Road Regulations 1996 (as amended);
 - (d) play or take part in any ball game or other game; or
 - (e) consume alcohol or drugs.

Restrictions on Use of Parking Bays

29. No person shall use a Vehicle, while it is in a 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 or her skills or services, except with the written consent of the Council.
30. No person shall use any part of a Parking Place or any Vehicle parked in a Parking Bay:-
 - (a) for sleeping or camping or cooking; or
 - (b) for the purpose of carrying on any business or trade unless with the express permission of the Council in writing; or
 - (c) 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 Parking Place; or
 - (d) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress.
31. A Vehicle shall not be permitted to wait in a Parking Place other than in a Parking Bay. Under no circumstances is parking permitted by any Vehicle on or within a Restricted Area, including Disabled Person's Vehicles.

32. Except with the permission of the Council, every part of the Vehicle must be within the limits of the Parking Bay and not more than one Vehicle shall occupy any one such Parking Bay.
33. Except with the permission of the Council, every part of a Trailer must be parked within the limits of one Parking Bay. A Trailer Unit must occupy no more than two Parking Bays. Separate Parking Tickets must be purchased for both the Vehicle and Trailer and must be displayed in the Relevant Position(s).
34. Where within the Parking Place there is a sign or surface marking that indicates a Parking Bay is available only for use by disabled persons, no Vehicle shall be permitted to stand or wait in the Parking Bay unless it is correctly displaying a valid Disabled Person's Badge and time clock in the Relevant Position.
35. Where within the Parking Place there is a sign or surface marking that indicates a Parking Bay is available only for use by Electric Vehicles or Hybrid Vehicles, no Vehicle shall be permitted to stand or wait in the Parking Bay unless it is an Electric Vehicle or Hybrid Vehicle.
36. No Electric Vehicle or Hybrid Vehicle shall be permitted to stand or wait in an Electric Vehicle Parking Bay unless that Electric Vehicle or Hybrid Vehicle is being charged by means of an Electric Vehicle Charging Point and Electric Vehicle Charging Post.
37. Where within the Parking Place there is a sign or surface marking that indicates a Parking Bay is available only for use by visitors, Council officials or Parking Permit holders or other such class of persons as specified in the Parking Place, no Vehicle shall be permitted to stand or wait in the Parking Bay unless they are of that class and are displaying or otherwise have in place a valid Parking Permit or other appropriate permit in the Relevant Position (where applicable).
38. No Vehicle may be parked in such a manner that it obstructs any other Vehicle.
39. Where in the Parking Place or any part thereof, signs are erected or surface markings are laid for the purpose of:
 - (a) indicating an entrance to or exit from the Parking Place or any part thereof; or
 - (b) indicating that a Vehicle using the Parking Place or any part thereof shall proceed in a specific direction within the Parking Place or any part thereof; or
 - (c) indicating the Parking Bays within which a Driver may leave a Vehicle; or
 - (d) indicating a Restricted Area

no person shall drive or permit to be driven any Vehicle;

- (i) so that it enters the Parking Place or any part thereof, otherwise than by the entrance, or leaves the Parking Place or any part thereof, otherwise than by the exit, so indicated, or;
- (ii) in a direction other than so specified; and

no person shall leave or permit to leave any Vehicle;

- (iii) otherwise than within a Parking Bay.

- 40. No Vehicle shall display a Parking Ticket that had been previously displayed on another Vehicle.
- 41. No Vehicle shall display any Parking Ticket or physical Parking Permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible, or display at the same time any number of such tickets or permits such that it causes any ambiguity or difficulty to ascertain if the provisions of this Order are being duly complied with.
- 42. If an Authorised Officer has reasonable cause to believe that a document or article carried on a Vehicle, or by the Driver or person in charge of a Vehicle, is a Parking Ticket or physical Parking Permit to which this Article applies, or is a document designed to resemble such 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 Vehicle to deliver up the document or article.

Exemptions from Payment

- 43. Any Vehicle left in a Parking Place that is displaying a Disabled Person's Badge in the Relevant Position shall be exempt from payment of any charge specified in Schedule 1 or Schedule 2 to this Order for the first 3 hours only.
- 44. Motor Cycles left in any Parking Place shall be exempt from payment of any charge specified in Schedule 1 or Schedule 2.

Suspension of Charges

- 45. Nothing shall restrict the power of the Council to enter into agreements for the letting of such numbers of Parking Bays or to allow such other Vehicles to use the Parking Place as the Council considers appropriate and reserves the right to suspend the parking charges within this agreement on a temporary basis as and when it considers appropriate.
- 46. The Council has the power to suspend charges at Christmas or other nominated dates throughout the year, either in full or for part of the charging period.
- 47. Any person may apply to the Council for a waiver for a Parking Place.

Penalty Charge for Use of Parking Places

- 48. Where any Article or Articles of this Order has/have been contravened or not

complied with, a CEO or any Authorised Officer will Serve or otherwise may attach to the Vehicle in a conspicuous position or hand to the Driver a PCN which shall comply with the requirements of Regulation 9 and the schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).

49. A Penalty Charge will be payable by the Driver of a Vehicle left in contravention or non-compliance of any Article or Articles of this Order.
50. If a Vehicle is left in a Parking Place in contravention of, or non-compliance with this Order, a Penalty Charge shall be payable by the Driver of the Vehicle.
51. The Penalty Charge or reduced Penalty Charge shall be the sum of the following amounts:
 - (a) The Penalty Charge for Higher Level Contraventions - band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the PCN.
 - (b) All other contraventions of the Order not so defined as Higher Level Contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or re-enactment thereof, will be set at the lower level Penalty Charge as defined in those regulations.
 - (c) 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 PCN.
 - (d) If no payment is made within 28 days of the serving of the PCN the Council will issue a Notice to Owner advising of the unpaid charge.
 - (e) 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 Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time). This will result in the Penalty Charge being increased by fifty percent.
52. Service of the PCN, Notice to Owner or Charge Certificate by post is deemed effective on the second working day after the date of posting.
53. Where a Penalty Charge has been incurred, a PCN may be issued by post by the enforcement authority if the Owner of the Vehicle drives the Vehicle away before the CEO has issued a PCN or the CEO has been prevented from issuing a PCN, such a PCN shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions

(Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).

54. The particulars given in the PCN attached to the Vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.
55. 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 Vehicle in respect of which the Penalty Charge was incurred requiring the Owner to supply the identity of the Driver.
56. When a notice has been attached to a 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 Vehicle.
57. The Council reserves the right to utilise any CCTV present or photographic or video footage captured on any other recording device approved by the Council for enforcement purposes. Evidence may be used for the determination of PCN appeals.

Vehicle Removal

58. If a Vehicle is parked in a Parking Place in contravention of any of the foregoing provisions of this Order the Council may remove the Vehicle from that Parking Place or arrange for such removal.
59. Any person removing, or causing the removal of, a Vehicle by virtue of this Article, may do so by towing or driving the Vehicle or in such other manner as he may think reasonably necessary to enable the Vehicle to be removed.
60. Any person removing a Vehicle by virtue of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the Vehicle in the place to which it is removed.
61. A Vehicle will be stored for a period of 7 days 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.
62. Any costs associated with the removal and storage of Vehicles will be payable by the Driver of the Vehicle and if not paid will be recoverable as a civil debt.

Power of the Council to Close Parking Places

63. Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the Parking Place or any part thereof, and when the operation of the Parking Place or part thereof is suspended, the Council shall

display a notice or notices to that effect at the Parking Place and at the Ticket Machines.

64. When the operation of the Parking Place is suspended pursuant to Article 62 of this Order, no person shall cause any Vehicle to enter, stand, wait or be left in the Parking Place or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any Vehicle being used in the service of a fire brigade or police force, or any Vehicle with the permission of a police constable in uniform or when displaying a valid Dispensation.
65. If at any time the Council shall require a Parking Place or part thereof for any purpose whatsoever (including its use as a private Parking Place in connection with a particular event) then the right of any person to park any Vehicle thereon shall immediately terminate until the Council shall no longer require the Parking Place or part thereof.

Right to Refuse Entry to a Parking Place

66. The Council or its CEO's may refuse entry to any Parking Place, to any person or to any Vehicle for whatever reason.
67. No persons shall in a Parking Place destroy, damage, interfere with or deface any property belonging to the Council, and in addition to liability for any penalty imposed for breach of this provision of this Order, any person doing so shall be liable for and shall pay the Council the full cost of repair of the damage.
68. No persons shall in a Parking Place use any threatening, insulting or abusive language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
69. A person who is not in a Parking Place for the purpose of parking or retrieval of a Vehicle or a purpose connected therewith on being requested to leave the Parking Place by an Officer of the Council, CEO or any Police Constable shall do so forthwith.
70. No person shall within a Parking Place without good reason or excuse deposit or leave any goods, builders materials, items of furniture, Vehicle parts or rubbish of any description. Items of litter may only be deposited in the bins provided for this purpose.

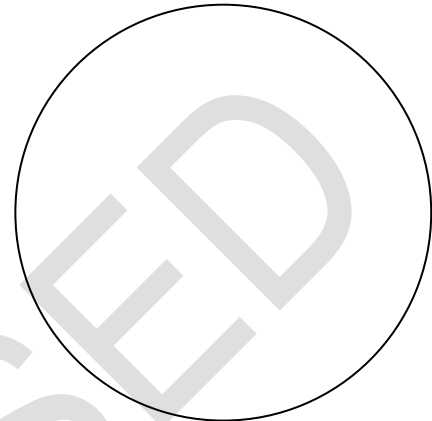
Liability of the Council

71. 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.
72. The Council shall not be held accountable for any damages to a person or property using a Parking Place nor shall it be obligated to provide footage for

such incidents. CCTV or other photographic or video footage captured is only for the purposes outlined in Article 56 of this Order.

IN WITNESS whereof the **BOROUGH COUNCIL OF OADBY AND WIGSTON** have caused the Common Seal to be hereunto affixed the [] day of [] 2021.

THE COMMON SEAL of the)
BOROUGH COUNCIL OF OADBY AND)
WIGSTON was hereunto affixed the day)
and year first before written)



.....

The Mayor

Seal No: _____

.....

Authorised Signatory

PROPOSED