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Highway 5

Ref

Seal on 30/5/13

**CITY OF COVENTRY (PARKSIDE RISE) (WAITING RESTRICTIONS) (EXPERIMENTAL)
ORDER 2013**

The Council of the City of Coventry (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 9, 10 and Parts III and VI of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order:

PART I

CITATION AND INTERPRETATION

Citation

1. This Order shall come into operation on the **17th June 2013** (for a period not exceeding eighteen (18) months) and may be cited as the City of Coventry (Parkside Rise) (Waiting Restrictions) (Experimental) Order 2013.

1.1 The City of Coventry (Parkside Rise) (Waiting Restrictions) (Experimental) Order 2013 Plans ("the Plans") are incorporated into this Order

2. The City of Coventry (South East Area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and Street Parking Places) Consolidation Order 2005 (as amended), shall be read as modified by this Experimental Order for the duration of this Experimental Order

Interpretation

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

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised officer" means the Director of City Services & Development of the Council or any other officer of the Council from time to time designated by the Council;

"authorised parking place" means any parking place on a road authorised or designated by this Order;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations

"business" means any lawful trade, profession or employment and shall include a registered charity, and statutory undertaking;

"business premises" means premises where business takes place;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"City of Coventry" in relation to this Order means the City of Coventry as designated by the Road Traffic (Permitted Parking Area and Special Parking Area)(City of Coventry) Order 2005

"Civil Enforcement Officer" shall have the meaning assigned by Section 76 of the Traffic Management Act 2004.

"disabled person's badge" has the same meaning as in the Local Authorities Traffic Orders (Exceptions for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" has the same meaning as in Section 142 of the 1984 Act;

"dispensation certificate" – means a certificate duly issued on behalf of the Council permitting a vehicle to wait in specified circumstances on a length or lengths of roads within the red route where waiting or stopping of that vehicle would otherwise be prohibited

"driver", in relation to a vehicle waiting in parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and includes postal packets of any description, and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"licensed taxi" has the same meaning as in section 13 (3) of the Transport Act 1985;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"no loading road" means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression "no loading road" shall not include any parking place;

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted as specified on the Plans;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of that vehicle or the person who has the use of the vehicle in the course of his / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

"parking disc" has the same meaning as in the Local Authorities Traffic Orders (Exceptions for Disabled Persons) (England) Regulations 2000;

"parking place" means a road or length of road, which is provided for the waiting of vehicles and specified on the Plans;

"Parkside Rise" means the area comprising the roads specified on the Plans

"pedal cycle" has the same meaning ascribed to it as in Section 142 Road Traffic Act 1988

"penalty charge" has the same meaning as in Section 82(1) of the Act of 1991.

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Act of 1991;

"permitted hours" means the periods specified for each parking place on the Plans attached to this Order during which waiting by vehicles of a specific class is permitted;

"permitted parking place" means a parking place at which vehicles are permitted to wait under the provision of this order;

"permitted vehicle" means a passenger vehicle, goods vehicle, invalid carriage or motor cycle;

"premises" includes land and buildings;

'private hire vehicle' means a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or any similar enactment

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"relevant position" in respect of: -

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
- (b) a residents or visitors permit and other pass means exhibited on the windscreen, dashboard or fascia of the vehicle or where the vehicle does not have a windscreen, dashboard or fascia in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket or permit is clearly legible from outside of the vehicle;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans attached to this Order;

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted OR specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

"road" shall have the same meaning ascribed to it in section 142 of the Road Traffic Regulation Act 1984 (as amended) and for the avoidance of doubt shall include whole width of the road up to the boundary of the adjacent properties including the verge;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 and includes any enactment or re-enactment thereto;

"the 2004 Act" means the Traffic Management Act 2004;

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

"vehicle" means:-

- i) a mechanically propelled vehicle intended for or adapted for use on the Road; and/or
- ii) a pedal cycle being used for the purpose of cycling

which for the avoidance of doubt shall include the whole or any part of a vehicle

"waiver certificate" means a certificate duly issued on behalf of the Council permitting a vehicle to wait in specified circumstances on a length or lengths of roads where waiting of that vehicle would otherwise be prohibited

- 4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 5. Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference to a plan is a reference to a Plan incorporated into this Order;
- 6. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
- 7. Save where the contrary is indicated, any reference in this Order to:-
 - a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
- 8. Where restrictions specified on the Plans relate to a length or lengths of verge then that restriction shall apply to the verge only and any parking restrictions in place for the length or lengths of road of which the verge forms part shall apply to that length of carriageway only

PART II

PROHIBITION AND RESTRICTION OF STOPPING, WAITING, LOADING AND UNLOADING

Prohibition of stopping

9. Save as provided in Articles 15 to 23 no person shall except upon the direction or with the permission of a parking attendant/civil enforcement officer in uniform or police constable in uniform, cause or permit any vehicle to stop at any time on any prohibited road as specified on the Plans.

Prohibition of waiting

10. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a parking attendant/civil enforcement officer in uniform or police constable in uniform, cause or permit any vehicle to wait at any time on any restricted road as specified on the Plans.

Restriction of waiting

11. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a parking attendant/civil enforcement officer in uniform or police constable in uniform, cause or permit any vehicle to wait on any restricted road during the restricted hours as specified on the Plans attached to this Order.

Limited waiting

12. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a parking attendant/civil enforcement officer or police constable in uniform, cause or permit any vehicle to wait on any restricted road in respect of which there is specified on the Plans attached to this Order a period during the restricted hours in which waiting is allowed, for a period longer than specified on the Plans attached to this Order or if a period less than that specified on the Plans attached to this Order as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Loading areas

13. Save as provided in Articles 15 to 18 no person shall, except upon the direction or with the permission of a parking attendant/civil enforcement officer or police constable in uniform, cause or permit any vehicle to wait in any loading area specified on the Plans except for the loading or unloading of goods in connection with adjoining trade or business premises.

Restriction on loading and unloading

14. No person shall, except upon the direction or with the permission of a parking attendant/civil enforcement officer or police constable in uniform, cause or permit any vehicle to wait for the purpose of enabling goods to be loaded or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

Emergencies

15. Nothing in Articles 9 to 14 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used for fire and rescue, ambulance or police purposes:

General exemptions

16. Nothing in Articles 9 to 14 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
 - a) a person to board or alight from the vehicle when directed by or with the permission of a parking attendant/civil enforcement officer in uniform or police constable in uniform,

- b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
- (i) building, shop fitting, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system.
- c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of statutory powers or duties;
- d) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- e) the vehicle to be used to facilitate a funeral or wedding service;
- f) the vehicle to be used by a Registered Medical Practitioner or State Registered Midwife to attend upon patients;
- g) in any case where the person in control of the vehicle,
- (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside their control;

- h) except where article 10 applies goods to be loaded or unloaded from a vehicle (or goods or merchandise to be delivered or collected)
17. Nothing in Articles 9 to 14 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised parking place.
18. Nothing in Articles 9 to 14 shall prevent any person from causing or permitting a vehicle to wait or load or unload in any restricted road if it is displaying in the relevant position a valid waiver certificate or dispensation certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Waiting by disabled persons vehicle

19. Nothing in Articles 10 and 11 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in the sides of road referred to in those Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day)

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

20. Nothing in Article 12 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the sides of road referred to in that Article.

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Stopping by a disabled persons vehicle

21. Nothing in Article 9 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge "to stop for so long only as may be required to enable a disabled person to get on or off the vehicle";

Hackney Carriage

22. Nothing in Articles 9 to 12 shall prevent any person from causing or permitting a hackney carriage to stop for so long as may be required to enable passengers to board or alight from the vehicle.

Private Hire Vehicle

23. Nothing in Articles 9 to 12 shall prevent any person from causing or permitting a private hire vehicle to stop for so long as may be required to enable passengers to board or alight from the vehicle;

Waiver Certificate and Dispensation Certificate

24. The Council may issue a waiver certificate or dispensation certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.
25. A waiver certificate or dispensation certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

PART III

AUTHORISATION AND USE OF STREET PARKING PLACES

Designation of parking places

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

Power to suspend parking places

27. Any person authorised by the Council may suspend the use of a parking place whenever he / she considers such suspension reasonably necessary;
- a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - b) for the purposes of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or traffic sign; or
 - c) for the convenience of occupiers of premises adjacent to the parking place or any occasion for the removal of furniture from one office or dwelling house to another place;
 - d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
 - e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;
 - f) for the purpose of facilitating the cleansing of the parking place.
28. A Police Officer in uniform may suspend the use of a parking place for not longer than twenty-four hours whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

29. Any person suspending the use of a parking place in accordance with the provisions of Articles 27 or 28 shall place in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.
30. No person shall cause or permit a vehicle to be left in a parking place when the Council has by Order closed that parking place and exhibited notice of such closing on or near the parking place.
31. Nothing in Article 30 shall render it a contravention to cause or permit a vehicle to be left in a parking place, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate

Classes of vehicles

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

Position of vehicles

33. A vehicle must be left in a parking place identified in the Plans so that
- (i) if the parking place is not in a one-way street, the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
 - (iii) every part of a vehicle is within the limits of a parking place;
 - (iv) no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

Exemptions

34. The following vehicles left in a parking place shall be exempt from any limitation on time or vehicle class requirements:

- (i) an invalid carriage;
- (ii) a vehicle, being a disabled person's vehicle which displays in the relevant position a disabled person's badge;

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

- (iii) a vehicle displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate

Conditions of use of parking places

35. 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 in or to depart from the parking place.

36. Save as provided in respect of licensed hackney carriages waiting in a hackney carriage stand 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 skill or services.

Movement and removal of vehicles

37. When a vehicle is waiting in a parking place in contravention of the provision of Articles 30 or 33 a person authorised in that behalf by the Council may alter or cause to be

altered the position of the vehicle in order that its position shall comply with that provision.

38. When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 30, 32 or 33 a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place:
39. Any person altering the position of or removing a vehicle by virtue of the last preceding Articles of this Order may do so by towing or driving the vehicle or in such other manner as he / she may think necessary and may take such measures in relation to the vehicle as he / she may think necessary to enable him to remove it or alter its position as the case may be.
40. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 38 of this Order, he / she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Restriction on removal of waiver certificate and disabled persons badge

41. Where a waiver certificate or disabled persons badge has been attached to a vehicle, no person, not being the driver of the vehicle, a police constable in uniform, a civil enforcement officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

PART IV

CONTRAVENTION OF ORDER

Contravention

42. If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty Charge Notice

43. In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue a penalty charge notice, which shall include the information required by the 2004 Act

Manner of payment of Penalty Charge

44. The owner of the vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.

Indications as evidence

45. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 43 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Removal of vehicle

46. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 38 or 42
- (a) he / she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
47. Nothing in Articles 38 or 42, shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

Restriction on removal of notices

48. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 43, no person, not being the driver of the vehicle, a police constable in uniform, a civil enforcement officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

Immobilisation

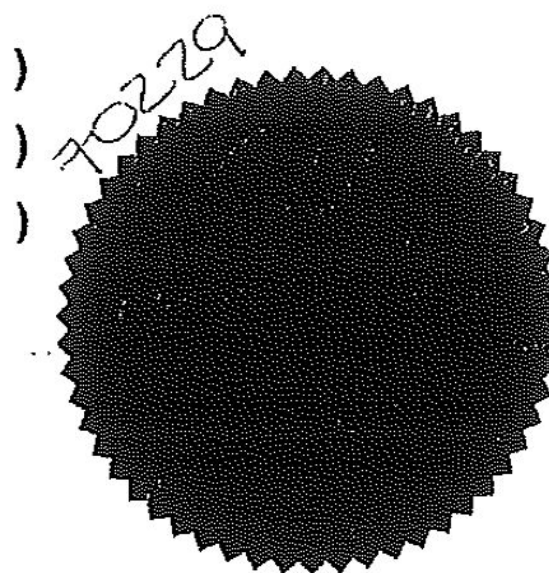
49. If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 79 of the 2004 Act and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.

Modification of Existing Order(s)

50. All the traffic regulation orders imposing waiting and loading restrictions, loading areas and street parking place orders made prior to this Experimental Order and which relate to those roads where the Parkside Rise restrictions will apply as defined on the Plans are to remain in existence but shall not be operational whilst this Experimental Order operates

Dated: 30th May 2013

THE COMMON SEAL of the COUNCIL
of the CITY of COVENTRY was hereunto
affixed in the presence of:-



Authorised signatory

