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**CITY OF COVENTRY**  
**(MORNINGSIDE)(RESIDENTS PARKING ZONE) (EXPERIMENTAL)**  
**ORDER 2015**

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 & 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 **15th July 2015** (for a period not exceeding eighteen (18) months) and may be cited as the City of Coventry (Morningside)(Residents Parking Zone) (Experimental) Order 2015
2. The City of Coventry (South West 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 and the plans ("the Plans") attached to this Experimental Order for the duration of the 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 Executive Director Place for 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;

"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;

"entry location" means the vehicular access to the parking area from a road or length of road;

"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;

"hackney carriage stand" means an area of carriageway, which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"household" means a house or flat which has its own address. In the case of sub-divided properties the establishment of an individual address is subject to any appropriate planning consent having been obtained for the sub-division of the property;

"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;



"Morningside – Residents Parking Zone" means the area comprising the roads specified on the Plans;

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

"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;

"penalty charge" has the same meaning as in Part 6 of the Traffic Management Act 2004

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act of 2004;

"permit" means a permit issued under the provisions of Articles 43 to 49 or 50 and shall for the avoidance of doubt include both virtual permits and non-virtual permits;

"permit holder" means a person to whom a permit has been issued;

“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;

“principal place of residence” means a place where the applicant for a parking permit stays overnight for at least four nights per week during a period of at least 10 months per year

‘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 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 non-virtual residents or non-virtual 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;

"resident" means a person whose principal place of residence is at premises the postal address of which is in a road or part of a road specified in Schedule 1;

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

"restricted road" means any of the sides or lengths of roads specified on the Plans to this Order 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 amendment or reenactment 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 a mechanically propelled vehicle intended or adapted for use on the road which shall for the avoidance of doubt include the whole or any part of a vehicle

"virtual permit" means an electronic permit (no hard copy issued) issued under the provisions of Articles 43 to 49 and 50 of this Order.

"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 or Schedule is a reference to the Article or Schedule 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.

## **PART II**

### **PROHIBITION AND RESTRICTION OF STOPPING, WAITING, LOADING AND UNLOADING**

#### **Prohibition of waiting**

- 8 Save as provided in Articles 14 to 18 and 21 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer in uniform or Police Constable in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

#### **Prohibition of stopping**

9. Save as provided in Articles 14 to 17 and 20 no person shall except upon the direction or with the permission of a 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

#### **Restriction of waiting**

- 10 Save as provided in Articles 14 to 18 and 21 no person shall, except upon the direction or with the permission of a 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.

#### **Limited Waiting**

- 11 Save as provided in Articles 14 to 17 and 19 and 21 no person shall, except upon the direction or with the permission of a 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 a period during the restricted hours in which waiting is allowed, for a period longer than specified on the Plans or if a period less than that specified on the Plans 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**

- 12 Save as provided in Articles 14 to 17 no person shall, except upon the direction or with the permission of a 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**

- 13 No person shall, except upon the direction or with the permission of a 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**

14. Nothing in Articles 8 to 13 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**

15. Nothing in Articles 8 to 13 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 specified therein for so long as may be necessary to enable:
- a) a person to board or alight from the vehicle,
  - a)(i) where a prohibition provided for in Article 9 applies, a person to board or alight from a vehicle when directed by or with the permission of a 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) 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;
  - g) except where Article 13 applies goods to be loaded or unloaded from a vehicle (or goods or merchandise to be delivered or collected)
16. Nothing in Articles 8 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised parking place.
17. Nothing in Articles 8 to 13 shall prevent any person from causing or permitting a vehicle to wait in any restricted road if it has a valid virtual permit or is displaying in the relevant position a valid permit or waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

#### **Waiting by disabled persons vehicle**

18. Nothing in Articles 8 and 10 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).

- 19 Nothing in Article 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 wait on the sides of roads 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**

- 20 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 board or alight from the vehicle"

#### **Hackney Carriage**

21. Nothing in Articles 8 to 11 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised hackney carriage stand:

#### **Waiver Certificate and Dispensation Certificate**

22. The Council may issue a waiver certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.
23. A waiver 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**

- 24 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.

##### **Resident permit holders only parking places**

- 25 Save as provided in Article 34 no person shall cause or permit any vehicle to wait in a resident permit holders only parking place during the permitted hours unless if it has a valid virtual permit or there is displayed on that vehicle in the relevant position a permit in respect of that vehicle valid for that permit parking place

##### **Disabled badge holders only parking places**

26. Where, within a parking place, there is a sign and surface marking which indicates that a parking bay is available only for a disabled person's vehicle, no person shall cause or permit a vehicle to wait in the parking bay unless it is a disabled person's vehicle

##### **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 in 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/her 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.

#### **PART IV**

#### **PERMIT ONLY PARKING PLACES AND PERMITS**

##### **Permit parking places**

41. 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.
42. Save as provided in Article 63, no person shall cause or permit any vehicle to wait in a permit parking place during the permitted hours unless



if it has a valid virtual permit or there is displayed on that vehicle in the relevant position a permit in respect of that vehicle valid for that permit parking place.

### **Resident permits**

43. Any resident who is the owner of passenger vehicle, a goods vehicle, an invalid carriage or a motorcycle may apply to the Council for a permit for the leaving of that vehicle in a resident permit parking place and any such application shall be made on a form issued by and obtainable from the Council or its authorised agent and shall include such particulars and information required by the Council

### **Visitor permits**

44. Where applicable as specified in Schedule 1 to this Order, any resident may apply for visitor permits (up to a maximum of three (3) any one time) for the leaving of a passenger vehicle, a goods vehicle, an invalid carriage or a motorcycle belonging to bona fide persons visiting the resident for the leaving of that vehicle in a resident permit parking place and any such application shall be made on a form issued by and obtainable from the Council or its authorised agent.

### **Carer Permits**

45. Any resident subject to the conditions approved from time to time by the Council may apply to the Council for the issue of a carers permit for the leaving during restricted times of a vehicle being used by a Carer attending that resident in a residents permit holders only parking place within the parking zone within which he or she resides and any such application shall be made in the form issued by and obtainable from the Council or authorised agent and shall include such particulars and information required by the Council

Provided that carer permits shall be limited to a maximum of one per household.

### **Medical Professional and Pastoral Permits**

46. Any person that satisfies the Council that he or she is:

- i) a fully registered doctor as defined in Section 55 of the Medical Act 1983;
- ii) a registered medical practitioner who provides medically associated services;
- iii) a health care professional providing professional service within a list of professions approved from time to time by the Council; or
- iv) a minister of religion providing pastoral services to residents within a residents parking zone;

may apply to the Council for the issue of a medical professional or pastoral permit for the leaving during restricted times of a vehicle in a residents permit holders only parking place and any such application shall be made in the form issued by and obtainable from the Council or authorised agent and shall include such particulars and information required by the Council

### **Business Permits**

47. Any person who satisfies the Council that he or she:-

- i) occupies, runs or is employed by a business from a business premises which are located at a postal address specified in Schedule 1 to this Order; and

- ii) does not have sufficient off street parking facilities; and
- iii) can demonstrate that it is necessary for the efficient operation of the business for a vehicle to be parked within the residents parking zone;

may apply to the Council for the issue of a business permit for the leaving of that vehicle during restricted times in a residents permit holders only parking place within the parking zone in which the business premises is situated and any such application shall be made in the form issued by and obtainable from the Council or authorised agent and shall include such particulars and information required by the Council. Provided that not more than two permits shall be issued to one business or business premises at any one occasion.

### **Trade Permits**

48. Any person who satisfies the Council that he or she is carrying out work at premises the postal address of which is within a residents parking zone and who can demonstrate that the vehicle is needed at the address for the efficient conduct of a trade or service may apply to the Council for the issue of a trade permit for the leaving during restricted times of a vehicle in a resident permit holders only parking place and any such application shall be made on a form issued by and obtainable from the Council or its authorised agent.

### **Application for permits**

49. The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.



### **Issue of permits**

50. The Council or its authorised agent upon being satisfied that the applicant is a qualifying resident who is the owner of a vehicle of the specified class and on payment of any fee as the Council may from time to time determine, may issue to the applicant one resident parking permit, for the leaving during the permitted hours in a parking place of the vehicle to which such permit relates.
51. The Council upon being satisfied that the applicant is a qualifying resident and on payment of any fee as the Council may from time to time determine may issue to the applicant visitors parking permits, for the leaving during the permitted hours in a residents parking place one vehicle of a visitor to the resident.

### **Special discretionary permits**

52. The Council at its absolute discretion may issue to applicants special discretionary permits for specified periods of time:
- a) in respect of any applicant being unsuccessful in obtaining a permit within the foregoing provisions; and
  - b) in respect of planned, one off exceptional circumstances such as weddings, family gatherings, etc
- subject always to the application being made to the Council giving a minimum five days notice
53. A resident or visitor permit shall only be valid for use in a parking place on a road within an area identified on the permit and specified on the plans.

### **Surrender of permits**

54. A permit holder may surrender such permit to the Council or its authorised agent at any time and shall surrender such permit to the Council on the occurrence of any one of the events set out in Article 56.

### **Withdrawal of permit**

55. The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in Article 56 has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.

56. The events referred to in the Article 54 and 55 are:-

- (i) the permit holder ceasing to be a resident, business owner or employee of such a business;
- (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Articles 43 or 44;
- (iv) the issue of a duplicate permit by the Council under the provisions of Article 59; or
- (v) the expiry of the period for which the permit was issued.

### **Duplicate permits**

57. If a non-virtual permit is accidentally mutilated or defaced or the figures or particulars thereon 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 or authorised agent and apply to the Council for the issue of a duplicate permit.
58. If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.
59. On application under Article 57 or 58, the Council or its authorised agent, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a duplicate permit so marked or virtual permit and upon such issue the original permit shall become invalid.
60. All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.

#### **Form of permit**

61. A non- virtual permit shall be in writing and shall include the following particulars:-

- (i) the registration mark of the vehicle in respect of which the permit has been issued;

Provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted;

- (ii) the period during which, subject to the provisions of Article 55, the non-virtual permit shall remain valid;
- (iii) an authentication that the non-virtual permit has been issued by the Council; and



- (iv) a code or identification indicating the parking area for which the non-virtual permit is valid.
62. At all times during which a vehicle is left in a parking place specified in Article 25 during the permitted hours, there shall be a valid virtual permit or displayed in the relevant position a permit issued in respect of that vehicle valid for parking place

#### **Exemption for vehicles displaying a disabled badge or waiver certificate**

63. Without prejudice to Article 25 with respect to vehicles left in a parking place, nothing shall prevent any person from causing or permitting a vehicle to wait during the permitted hours in a parking place if it displays in the relevant position a disabled persons badge or valid waiver certificate and the vehicle is waiting in accordance with the terms of the said badge or certificate.

#### **Restriction on removal of permits, waiver certificate and disabled persons badge**

64. Where a permit, 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.

#### **General Exemptions to permit requirements**

65. Nothing in Articles 25 to 35 of this Order shall render it unlawful to cause or permit any vehicle to wait in any permitted parking place for so long as may be necessary to enable:
- a) a person to board or alight from the vehicle,

- 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;

## **PART V**

### **CONTRAVENTION OF ORDER**

#### **Contravention**

66. If a vehicle is left in a parking place outside 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**

67. 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**

68. 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**

69. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 67 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

#### **Removal of vehicle**



70. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 38 or 66,
- (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.
71. Nothing in Articles 38 or 66 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

#### **Restriction on removal of notices**

72. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 67, 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**

73. 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.

**Revocation of Existing Order(s)**

74. All the traffic regulation orders imposing stopping, waiting and loading restrictions, loading areas and on street parking places made prior to this Order and which relate to those roads where the Morningside– Residents Parking Zone restrictions will apply as defined on the Plans are to remain in existence but shall not be operational whilst this Experimental Order operates.

**Dated: 18<sup>th</sup> June 2015**

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



**Authorised signatory**



## **SCHEDULE 1**

### **MORNINGSIDE – RESIDENTS PARKING ZONE**

**Roads and lengths of roads where residents, visitors, businesses or traders are eligible for permits (Permit Zone EA)**

| <b>ROAD</b> | <b>PROPERTIES ELIGIBLE</b> |
|-------------|----------------------------|
| Morningside | All properties             |



