

CITY OF COVENTRY
(VARIOUS LOCATIONS PHASE 10)
(ELECTRIC CHARGING PLACES) (EXPERIMENTAL) ORDER 2021

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 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 **3rd May 2021** (for a period not exceeding ten (10) months) and may be cited as the City of Coventry (Various Locations Phase 10) (Electric Charging Places) (Experimental) Order 2021.

2. The City of Coventry (City Wide) (Permitted Parking Area And Special Parking Area) (Designation, Waiting Restrictions, Loading Restrictions, Loading Areas and Street Parking Places) Consolidation Order 2016 (as amended), shall be read as modified by this Order in so far as it relates to the lengths of road as referred to in the Schedule to this Order.

Interpretation

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

“additional parking charges” means penalty charges, being charges made by the Council under the provisions of Regulation 3 and 4 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 SI 2007/3487 for the removal, storage and disposal of vehicles and charge in respect of the release of a vehicle from an immobilisation device fixed under Section 79 of “the 2004 Act”

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

“authorised officer” means a person authorised by or on behalf of the Council to supervise any parking place or in respect of any civil enforcement of parking contraventions a person who is authorised to use an approved device

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

“bus” has the same meaning as in Schedule 1 of the 2016 Regulations

“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 a 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;

“electric vehicle” means a vehicle where the motive power is derived from an electrical source external to the vehicle or an electric storage battery (in the vehicle) which is not connected to any external source when the vehicle is in motion which for the avoidance of doubt shall include hybrid and plug-in hybrid vehicles

“electric vehicle charging place” means those lengths of road at which an electric vehicle only may wait whilst charging as specified in the Schedule to this Order.

"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;

“hackney carriage stand” means an area of carriageway, which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 7, Part 4 to the 2016 Regulations;

“hirer” is as defined in Regulation 5 of SI 2007/3483

“issuing authority” means the Council

"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;

“loading vehicle” means a vehicle which is being used to enable goods to be loaded or unloaded provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road

“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.

“penalty charge” means a charge payable in accordance with Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 SI 2007/3483 in respect of a parking contravention specified in paragraph 4 of Schedule 7 of the 2004 Act;

"penalty charge notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Regulation 8 to SI 2007/3483;

"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

"reduced penalty charge" means the discounted level of penalty charge;

"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 waiver certificate or 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 in the Schedule;

"restricted road" means any of the sides or lengths of road specified in the Schedule 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 2004 Act" means the Traffic Management Act 2004

"the 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016 and includes any amendment or re-enactment thereto

"traffic manager" means that officer nominated as such by the Council as required by the 2004 Act,

"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 or as approved by the DfT;

"vehicle" means:-

i) a mechanically propelled vehicle intended or adapted for use on the road

ii) a pedal cycle in actual use for the purposes 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 or Schedule is a reference to the Article or Schedule bearing that number in this Order;
6. The restrictions 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 - The Council has set penalty charge levels payable in respect of any parking contraventions specified in paragraph 4 of Schedule 7 of “the 2004 Act” and in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 SI 2007/3487
9. The Council will take enforcement action in respect of parking contraventions as follows: -
 - (a) in accordance with The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 SI 2007/3483 and for this purpose it may use an “Approved Device” as defined in

The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 SI 2007/3486

(b) the Council's Civil Enforcement Officers (CEO) shall wear uniform when exercising the functions specified in Regulation 2 of The Civil Enforcement (Wearing of Uniform) (England) Regulations 2007 SI 2007/3485 namely giving notification of a Penalty Charge, immobilising a vehicle and removal of parked and abandoned vehicles

(c) the Council will comply with the provisions relating to representation and appeals specified in The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 SI 2007/3482

(d) the Council's CEO will remove vehicles left on a road in a Civil Enforcement Area in accordance with The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 SI 2007/3484

- 10 A further Penalty Charge shall be payable for each additional day or part of a day during which the vehicle is left in contravention of any prohibitions or restrictions imposed by this Order. Any additional penalty is to be paid in the manner detailed in Article 9a of this Order.
- 10.1 In the case of conflict between the provisions of this Order and the 2004 Act and any subordinate legislation made under it then that legislation takes priority

PART II

PROHIBITION AND RESTRICTION OF WAITING,

Electric Vehicle Charging Places & Limited Waiting

11. Except as provided in Articles 13 to 15 a vehicle is not permitted to wait or park contrary to the provisions of this Order in an Electric Vehicle Charging Place, except when the vehicle is connected to the charging device, such Electric Vehicle Charging Places being specified in the Schedule attached to this Order
- 12 Save as provided in Articles 13 to 15 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 in the Schedule to this Order a

period during the restricted hours in which waiting is allowed, for a period longer than specified on the Schedule or if a period less than that specified on the Schedule 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.

Emergencies

13. Nothing in Articles 11 and 12 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length and sides of the road specified in the Schedule to this Order for so long as may be necessary to enable the vehicle to be used for fire and rescue, ambulance or police purposes:

General exemptions

14. Nothing in Articles 11 and 12 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths and sides of the road specified in the Schedule to this Order 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) 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) goods to be loaded or unloaded from a vehicle (or goods or merchandise to be delivered or collected)
15. Nothing in Articles 11 and 12 shall prevent any person from causing or permitting a vehicle to wait in the lengths and sides of the road specified in the Schedule to this Order if it 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.

Waiver Certificate and Dispensation Certificate

16. 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.
17. 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.

Power to suspend Electric Vehicle Charging Places

18. Any person authorised by the Council may suspend the use of an Electric Vehicle Charging 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 Electric Vehicle Charging Place
 - (g) for any reason/occasion considered necessary by the Traffic Manager as determined from time to time.
19. A Police Officer in uniform may suspend the use of an Electric Vehicle Charging 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.
20. Any person suspending the use of an Electric Vehicle Charging Place in accordance with the provisions of Articles 18 or 19 shall place in or adjacent to that Electric Vehicle Charging Place a traffic sign indicating that waiting by vehicles is prohibited.
21. No person shall cause or permit a vehicle to be left in an Electric Vehicle Charging Place when the Council has by Order closed that Electric Vehicle Charging Place and exhibited notice of such closing on or near the Electric Vehicle Charging Place.
22. Nothing in Article 21 shall render it a contravention to cause or permit a vehicle to be left in an Electric Vehicle Charging 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

23. Where a parking place is identified in the Schedule to this Order 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

24. A vehicle must be left in an Electric Vehicle Charging Place, identified in the Schedule to this Order 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.

Movement and removal of vehicles

25. When a vehicle is left in contravention of any of the provisions contained in Articles 11 or 12 a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed.
26. Any person altering the position of or removing a vehicle by virtue of Article 25 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.

- 27 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle by virtue of Article 25 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

28. 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 III

CONTRAVENTION OF ORDER

Contravention

29. If a vehicle is left in the lengths and sides of the road specified in the Schedule to this Order 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

- 30 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

31. 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

32. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 30 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Removal of vehicle

33. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 25 or 29
 - (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.

Restriction on removal of notices

34. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 30, 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

35. 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)

36. 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 the lengths of road in the Schedule are to remain in existence but shall not be operational whilst this Experimental Order operates.

Dated: 22nd April 2021

Executed as a deed by Julie Newman (City Solicitor
and Monitoring Officer, Director of Law and Governance)
a duly authorised signatory on behalf of the
Council of the City of Coventry: -



Authorised Signatory

Schedule

Length of Road in the City of Coventry	Restriction	Side of road
<p>Billing Road</p> <p>From a point 12.7 metres south west its junction with Allesley Old Road for a distance of 12 metres in a south westerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>North West</p>
<p>Browning Road</p> <p>From a point 27 metres west of its junction with Mellowdew Road for a distance of 11 metres in a westerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>South</p>
<p>Dickens Road</p> <p>From a point 15 metres north west of its junction with Wallace Road for a distance of 12 metres in a north westerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>North East</p>
<p>Longford Road</p> <p>From a point 30 metres south of its junction with Hollybush Lane for a distance of 12 metres in a southerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>East</p>
<p>Longford Road</p> <p>From a point 42 metres south of its junction with Hollybush Lane for a distance of 6 metres in a southerly direction.</p>	<p>Electric Vehicle Charging Place</p>	<p>East</p>

<p>Roland Avenue</p> <p>From a point 30.5 metres east of its junction with Parkville Highway for a distance of 12 metres in an easterly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>South</p>
<p>Sadler Road</p> <p>From a point 10.5 metres northeast of the projected southwestern building line of 117 Sadler Road for a distance of 12 metres in a north easterly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>SouthEast</p>
<p>Villa Road</p> <p>From a point 22.5 metres west of its junction with Grangemouth Road for a distance of 12 metres in a westerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>South</p>
<p>Windmill Road</p> <p>From a point 8.50 metres west of its junction with the cemetery access for a distance of 12 metres in a westerly direction.</p>	<p>Electric Vehicle Charging Place, 6am – 10pm, waiting limited to 4 hours no return within 4 hours</p>	<p>South</p>