#### THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA CYNGOR DINAS A SIR ABERTAWE TRAFFIC REGULATION ORDER 2021 OFF-STREET SURFACE CAR PARKS ELECTRIC VEHICLE CHARGING POINTS NOTICE 2021

**NOTICE:** is hereby given that on 23<sup>rd</sup> March 2021 The Council of the City and County of Swansea made the above order under the Road Traffic Regulation Act 1984 (as amended) and of all other enabling powers. The order will be effective from 5<sup>th</sup> April 2021, as set out in the schedules below. A copy of the order and plan may be inspected during office hours at the Civic Centre, Oystermouth Road, Swansea, SA1 3SN. Any person wishing to challenge the validity of the order or procedures used in making this order may apply to the High Court within 6 weeks of the date the order was made.

# **SCHEDULES**

# SCHEDULE 1 REVOCATIONS

The existing Orders are revoked insofar as they are inconsistent with the proposals hereinafter contained which relate to the length or lengths of the road or roads referred to in the schedules hereto.

# **SCHEDULE 2**

Off-Street Surface Car Parks – Electric Vehicle Chargi	ng Points 2020/21
Location	No. of Spaces
East Burrows	2
Pell Street	2
Trawler Road	2
Swansea Point	2
The Baths	2
Treharne Road, Morriston	2
Lime Street, Gorseinon	2
Vardre Road, Clydach	2
Water Street, Pontarddulais	2
Gorwydd Road, Gowerton	2
Park & Ride Car Parks – Electric Vehicle Charging	Points 2020/21
Location	No. of Spaces
Fabian Way	6
Landore	6

29<sup>th</sup> March 2021 Tracey Meredith Chief Legal Officer / Prif Swyddog Cyfreithiol



# THE COUNCIL OF THE CITY

# AND COUNTY OF SWANSEA

# **CYNGOR DINAS A SIR ABERTAWE**



# PROPOSED TRAFFIC REGULATION OFF-STREET SURFACE CAR PARKS ELECTRIC VEHICLE CHARGING POINTS 2021 ORDER 2021

DVT- 00257710/AVR

# THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA CYNGOR DINAS A SIR ABERTAWE OFF-STREET SURFACE CAR PARKS ELECTRIC VEHICLE CHARGING POINTS 2021 ORDER 2021

**THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA** (hereinafter called "the Council") in exercise of its powers under Sections the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as "the Act of 1984") and the Traffic Management Act 2004 and the Local Government (Miscellaneous Provisions) Act 1976 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 and Section 124 of the Act of 1984 hereby make the following Order.

#### **SECTION 1 – PRELIMINARY**

Citation and commencement

 This Order shall come into operation on 5<sup>th</sup> April 2021 and may be cited as the Council of the City and County of Swansea Off-Street Surface Car Parks Electric Vehicle Charging Points 2021, Swansea Order 2021

#### **Definitions**

2. In this order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Civil Enforcement Officer" has the same meaning as in Section 63A of the Act of 1984 and by virtue of Section 76 of the 2004 Act a civil enforcement officer appointed under Section 63A of the Act of 1984 is a civil enforcement officer in relation to parking contraventions;

"Disabled Parking Bays" mean Parking Bays within Parking Places as referred to in Schedule 3 and shown on the plans in Schedule 4 marked with a blue disabled sign "Disabled Persons' Badge" or "Blue Badge" means a badge issued by any Local Authority in accordance with the provisions of The Disabled Persons' (Badges for Motor Vehicles) (Wales) Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person's Badge.

"Electric Vehicle" means any vehicle which uses one or more electric motors for propulsion but for the purposes of this Order excludes vehicles that are wholly self-charging (or those that do not have a plug-in charging capability);

"Electric Vehicle Charging Post" means apparatus which supplies electricity for the charging of Electric Vehicles;

"Electric Vehicle Charging Point" means the location at which an Electric Vehicle Charging Post is situated for the purpose of the charging of electric or hybrid Electric Vehicles;

"Electric Vehicle Parking Bay" means a Parking Bay within which electric or hybrid Electric Vehicles that are taxed may park as shown coloured green on the plans contained in Schedule 4;

"Exempted Vehicles" means:

(a) any vehicle being used by the emergency services for the purposes described in Section 87 of the Road Traffic Regulation Act 1984(1);

(b) any Vehicles being used for naval, military or air force purposes, and being driven by a person for the time being subject to the orders of the member of the armed forced of the crown, who is a member of the special forces-

(i) in response, or for a practice in responding, to a national security emergency by a person who has been trained in driving at high speeds, or(ii) for the purpose of training a person in driving vehicles at high speeds;

"Parking Bay" means an area within a 'Parking Place' which, subject to the provisions of this Order, is provided for the leaving of one vehicle and is indicated by 'Parking Bay Markings';

"Parking Bay Markings" means white or yellow lines marked out on the surface of a 'Parking Place' to indicate the limits of each 'Parking Bay' or 'Parking Space'; "Parking Place" means an area marked out in the car park under the provisions of the Traffic Signs Regulations and General Directions 2016, within which the limits of each parking space (or Parking Bay) is marked out for the parking of a single motor or Electric Vehicle;

"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) (Wales) Regulations 2000; and
- (b) a Waiver, 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 Waiver is clearly legible from outside the vehicle;

"Waiver" means a waiver issued by the Council in respect of vehicles being used for building maintenance repair shop fitting or other industrial or demolition operations and the Council may charge for such waiver such charge to be determined from time to time by resolution of the Council or relevant Committee thereof;

# Interpretation

- 3. 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
- 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. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other prohibition or restriction whether made under the Act of 1984 or otherwise

# **SECTION 2 – DESIGNATION OF PARKING BAYS**

#### **Designation**

- 6. Each area of land specified at Schedule 2 to this Order and as shown on the plans at Schedule 4 to this Order may be used, subject to the provisions of this Order, as Electric Vehicle Parking Bays for vehicles of such classes in such positions, on such days, during such hours, for such period as are specified in this Order (as varied from time to time).
- 7. Each area of land specified at Schedule 3 to this Order and as shown on the plans at Schedule 4 to this Order may be used, subject to the provisions of this Order, as Disabled Parking Bays for vehicles of such classes, in such positions, on such days, during such hours, for such period as are specified in this Order (as varied from time to time).

#### Class and use of bay

- No person shall cause or permit a vehicle to be parked in a Parking Place or in any Parking Bay within that Parking Place, unless it is of the specified class; and
  - i. is parked entirely within the Parking Bay Markings;
  - ii. in no position other than that specified; and
  - iii. for no purpose other than provided for in this Order.

# Classes of vehicle

- 9. No person shall cause or permit a vehicle to be parked in an Electric Vehicle Parking Bay unless it is an Electric Vehicle, or a class specifically prescribed in the Schedules to this Order or as advertised at a Parking Place.
- 10. No person shall cause or permit a vehicle to be parked in a Disabled Parking Bay unless it is displaying a Disabled Persons' Badge or Blue Badge in the Relevant Position, or is a class specifically prescribed in the Schedules to this Order or as advertised at a Parking Place save for Exempted Vehicles.

#### Electric vehicle Parking Places

11. Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay, is limited for waiting only by an Electric Vehicle, a vehicle shall not be left in that Parking Bay unless it is an Electric Vehicle or a plug-in hybrid vehicle but not including a self-charging hybrid vehicle, and is actively charging.

#### Position of vehicle

- 12. If Parking Bays are marked out in a Parking Place the driver of a vehicle shall ensure that it is not parked beyond the Parking Bay Markings and shall not permit it to wait in that Parking Place unless it is so positioned.
- 13. If Parking Bays are not marked out in a Parking Place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the Parking Place, the free flow of traffic circulating within the Parking Place and the entrances to and exits from the Parking Place.

#### Hours of operation and maximum period of stay

- 14. The operational time for each of the Parking Places specified in Schedule 2 and to this Order shall be every hour of every day.
- 15. The maximum period of stay in an Electric Vehicle Parking Bay shall be for the period of time required to charge an Electric Vehicle while connected to an Electric Vehicle Charging Point. Nothing in this Article shall prevent the Council from time to time restricting hours with signs.

#### Power to close or suspend Parking Places

16. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a Parking Place: from closing a Parking Place or any part thereof for any period; and/or from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.

- 17. Any person closing or suspending the use of a Parking Place or any part thereof shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that of that Parking Place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
- 18. No person shall cause or permit a vehicle to be parked in a Parking Place or any part thereof during such periods that the Parking Place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

#### Sale of Goods

19. No person shall in a Parking Place without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.

# Parked with engine running

20. No person shall in a Parking Place continue to run the engine when the vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place.

# Parked causing an obstruction

- 21.No person shall in a Parking Place park the vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.
- 22. Nothing in this Order shall render it a contravention of the provisions of the Order to cause or permit a vehicle to stop or be left in any Parking Place specified in Schedules 2 of this Order, or any part thereof, during the prescribed hours, for so long as may be necessary:
  - a) in an emergency;
  - b) by law;

c) in order to avoid an accident;

d) because it is prevented from proceeding by circumstances outside his control;

e) to enable the vehicle if it cannot reasonably be used for such purpose in any other location to be used in connection with any of the following: -

i. the removal of any obstruction to traffic;

ii. use for police, fire brigade, ambulance or military purposes;

iii. use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;

iv. the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity;

v. to enable a person to board or alight from the vehicle;

vi. to enable goods to be loaded or unloaded from the vehicle;

f) with a Waiver issued by the Council and displayed in the Relevant Position on the windscreen of the vehicle.

23. Nothing in this Order shall render it a contravention of the provisions of the Order to cause or permit a vehicle to park in any vehicle Parking Place specified in Schedules 2 of this Order, for so long as may be required or necessary to enable the vehicle if it cannot reasonably be used for such purpose in any other location to be used in connection with any of the following works or operations within or in the vicinity of the car park:

a) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;

- b) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
- c) and, following the written permission of the Council, in connection with:

i. building, industrial or demolition operations;

ii. the removal of furniture or household effects to or from a shop, office, depository or place of residence adjacent to the car park.

#### Relocation, Removal and Disposal of Vehicles

#### Emergencies

24.A person authorised by the Council or a police officer in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle parked in a Parking Place.

#### Contraventions in Suspended Parking Place

25. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a Parking Place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

#### Safe Keeping

26. Any person authorised by the Council or a police officer in uniform removing a vehicle from a Parking Place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

#### Disposal of Vehicles Abandoned In Parking Places

27. The Council may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a Parking Place if the vehicle appears to have been abandoned.

# Contravention and Penalty Charge Contravention

28. Save for the provisions in Articles 31, 32, 33, 34, 35, 36 and 37 (Contravention and Penalty Charge Liability) if a vehicle is parked in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued and served by a Civil Enforcement Officer and/or the vehicle may be removed from its location. All enforcement action shall be undertaken in accordance with legislation and subsequent amendments.

#### Restriction on removal of notices

- 29. Any notice, including a penalty charge notice, fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
  - i. the Owner, or person in charge of, the vehicle;
  - ii. the Council for the Parking Place in which the vehicle in question was found.

#### Indications as Evidence

30. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

# Contravention and Penalty Charge

31. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Parking Places to which this Order applies save for that arising from the negligence of the Council.

#### <u>Validity</u>

32. If a court, the Welsh Government or The Traffic Penalty Tribunal Service, declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

#### Tax and Insurance

33. Any person who causes or permits any vehicle to wait in a Parking Place without the vehicle being licensed in pursuance of the provisions of the Vehicles Excise and Registration Act 1994 and without a current policy of insurance in relation to the use of the vehicle by the driver such as complies with the requirements of Part VI of the Road Traffic Act 1972 shall be liable to prosecution.

#### Wilful damage

- 34. Any person who with intent to defraud interferes with a ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, shall be liable to prosecution.
- 35. No person shall cause damage to any Council equipment, signing or lighting installations or other installations within the Parking Place or to any part of the fabric of the Parking Place and any person doing so shall be liable to prosecution.

#### **Domestic purposes**

- 36. Any person who uses any part of the Parking Place or any vehicle parked in a Parking Place:
  - i. for sleeping or camping or cooking, or;
  - ii. for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the Parking Place, shall be liable to prosecution.

#### Other activities

- 37. Any person who in a Parking Place:
  - i. erects or causes or permits to be erected any skip, tent, booth, stand, building or other structure without the written consent of the Council, or;
  - ii. lights or causes to be lit any fire;

iii. conducts activities that do not relate directly to the parking of a vehicle in the Parking Place under the terms of use of the Parking Place shall be liable to prosecution.

# REVOCATION

38. The existing Orders are revoked insofar as they are inconsistent with the proposals contained in the schedules hereto and insofar as they relate to the length or lengths of the road or roads referred to in the Schedules hereto

# SCHEDULE

# SCHEDULE 1 REVOCATIONS

The existing Orders are revoked insofar as they are inconsistent with the proposals hereinafter contained which relate to the length or lengths of the road or roads referred to in the schedules hereto.

# SCHEDULE 2

Parking places		Plan reference (plans shown In	
	Spaces	schedule 4)	
East Burrows	2	T.20.CP.01.100 East Burrows	
Pell Street	2	T.20.CP.01.101 Pell Street	
Trawler Road	2	T.20.CP.01.102 Trawler Road	
Swansea Point	2	T.20.CP.01.103 Swansea Point	
The Baths	2	T.20.CP.01.106.The Baths	
Treharne Road, Morriston	2	T.20.CP.01.107 Treharne Rd-	
		Layout1	
Lime Street, Gorseinon	2	T.20.CP.01.108 Lime St-Layout1	
Vardre Road, Clydach	2	T.20.CP.01.109 Vardre Rd-Layout1	
Water Street, Pontarddulais	2	T.20.CP.01.110 Water Street	
Gorwydd Road, Gowerton	2	T.20.CP.01.111 Gorwydd Road	

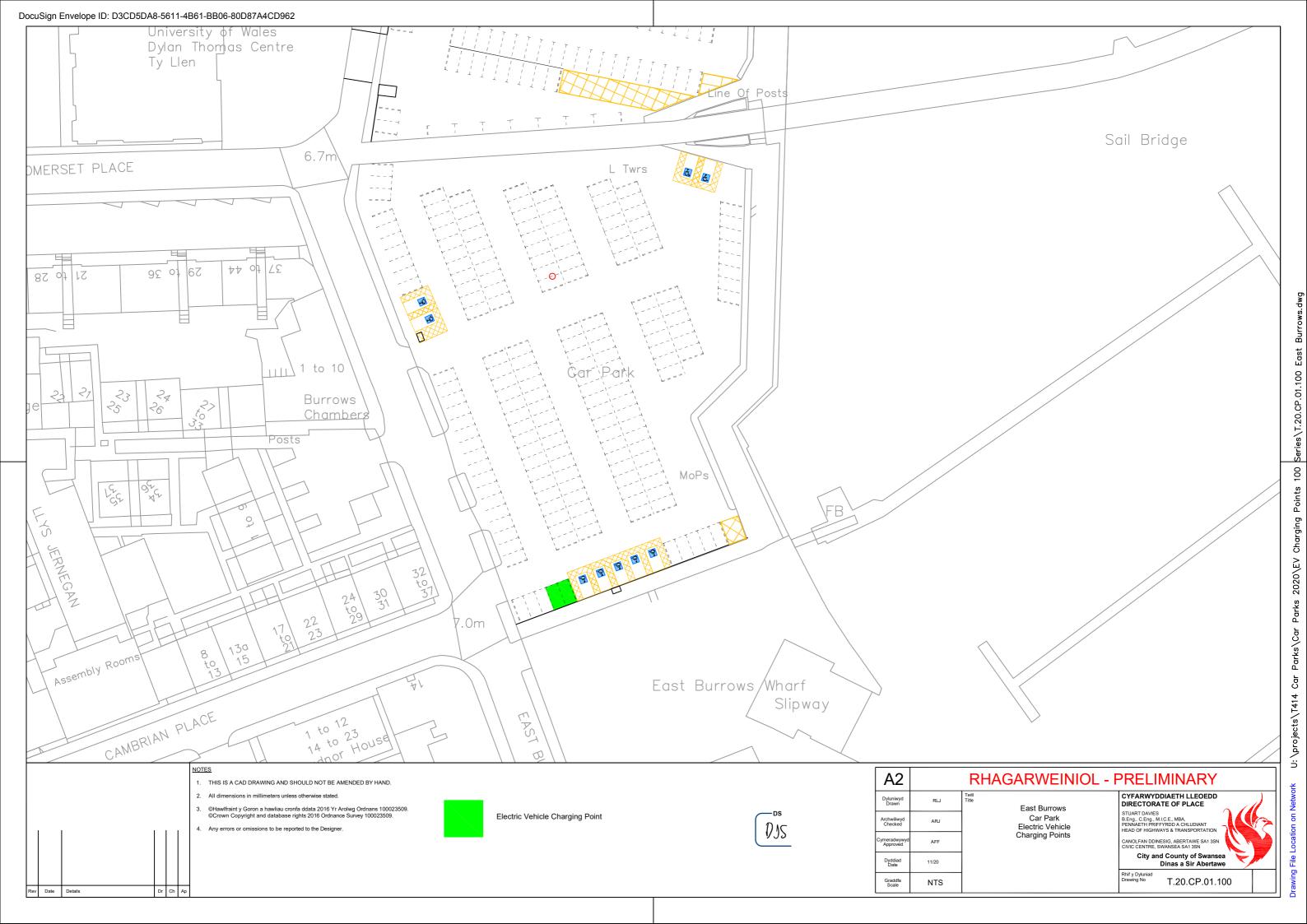
# Park & Ride Car Parks – Electric Vehicle Charging Points 2020/21

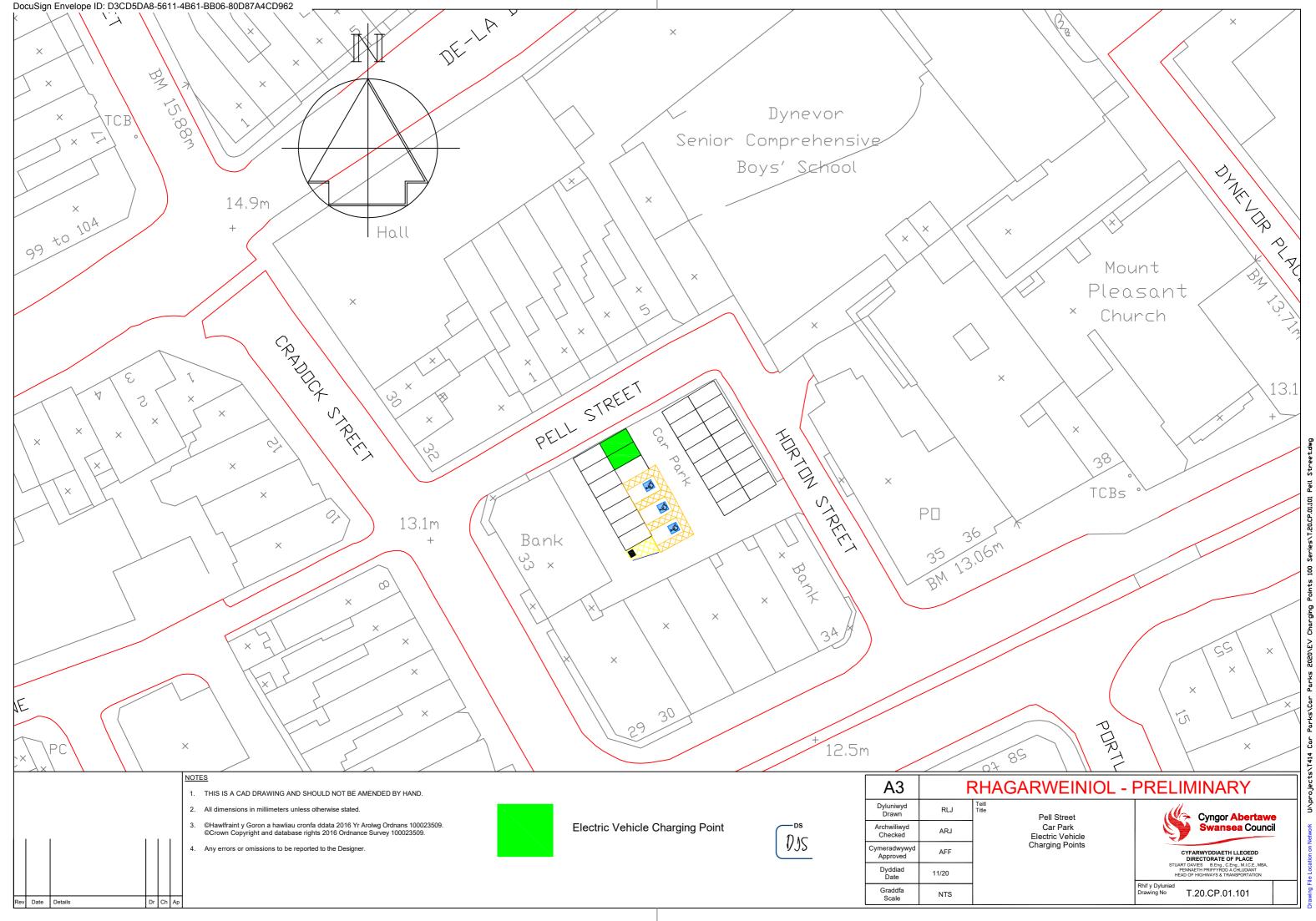
Parking Places	No. of Spaces	Plan reference
Fabian Way	6	T.20.CP.01.104 Fabian Way Park & Ride-Layout1
Landore	6	T.20.CP.01.105 Landore Park & Ride-Layout1

#### **SCHEDULE 3**

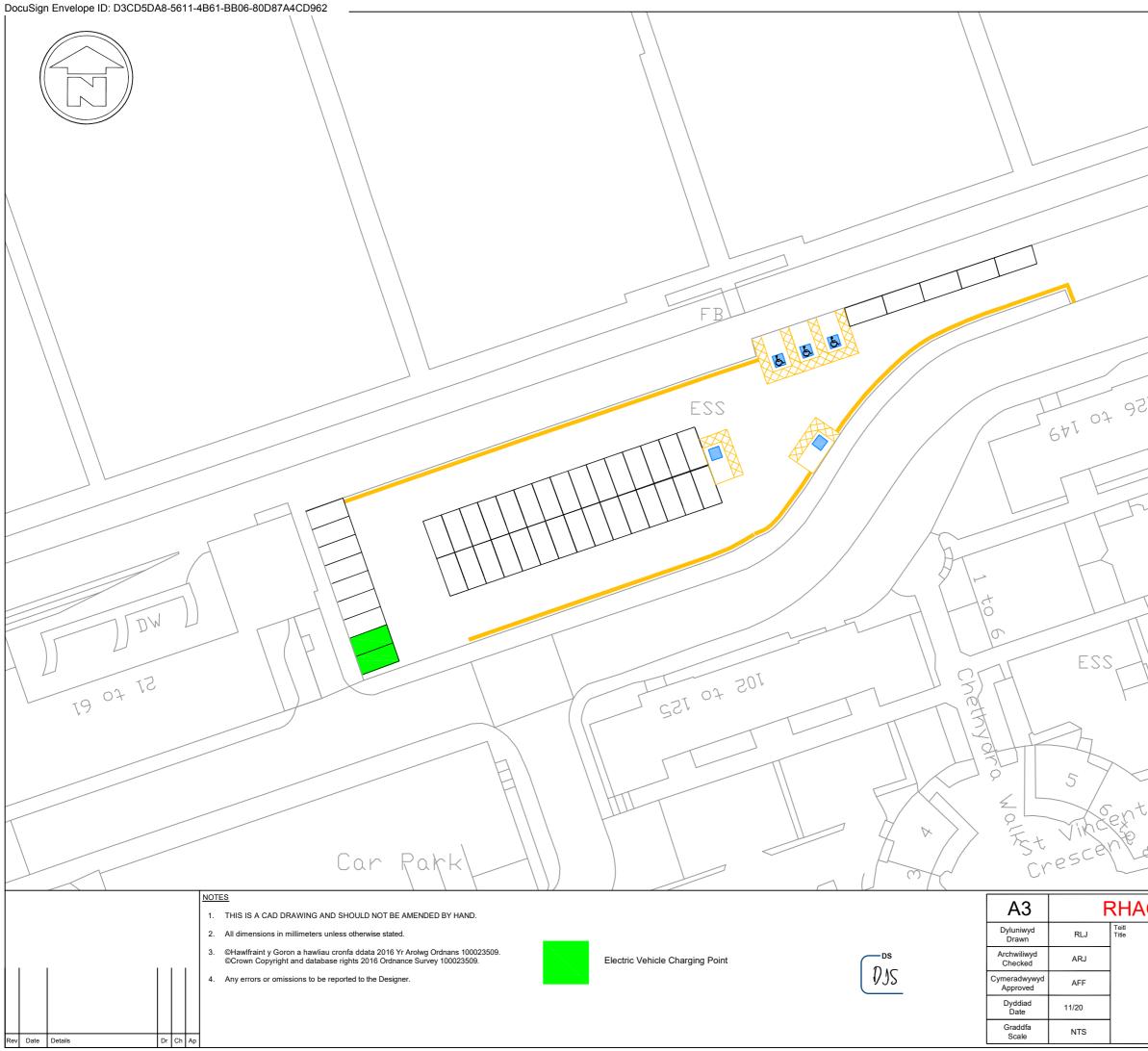
DISABLED PARKING ONLY (BAYS)		
Parking Places	Plan reference (plans shown in schedule 4)	
Swansea Point	T.20.CP.01.103 Swansea Point	
Treharne Road, Morriston	T.20.CP.01.107 Treharne Rd-Layout1	
Lime Street, Gorseinon	T.20.CP.01.108 Lime St-Layout1	
Vardre Road, Clydach	T.20.CP.01.109 Vardre Rd-Layout1	
Water Street, Pontarddulais	T.20.CP.01.110 Water Street	
Gorwydd Road, Gowerton	T.20.CP.01.111 Gorwydd Road	

# SCHEDULE 4 – PLANS AS REFERRED TO WITHIN SCHEDULES 2 AND 3





8 Points Cher Parks/Car Car



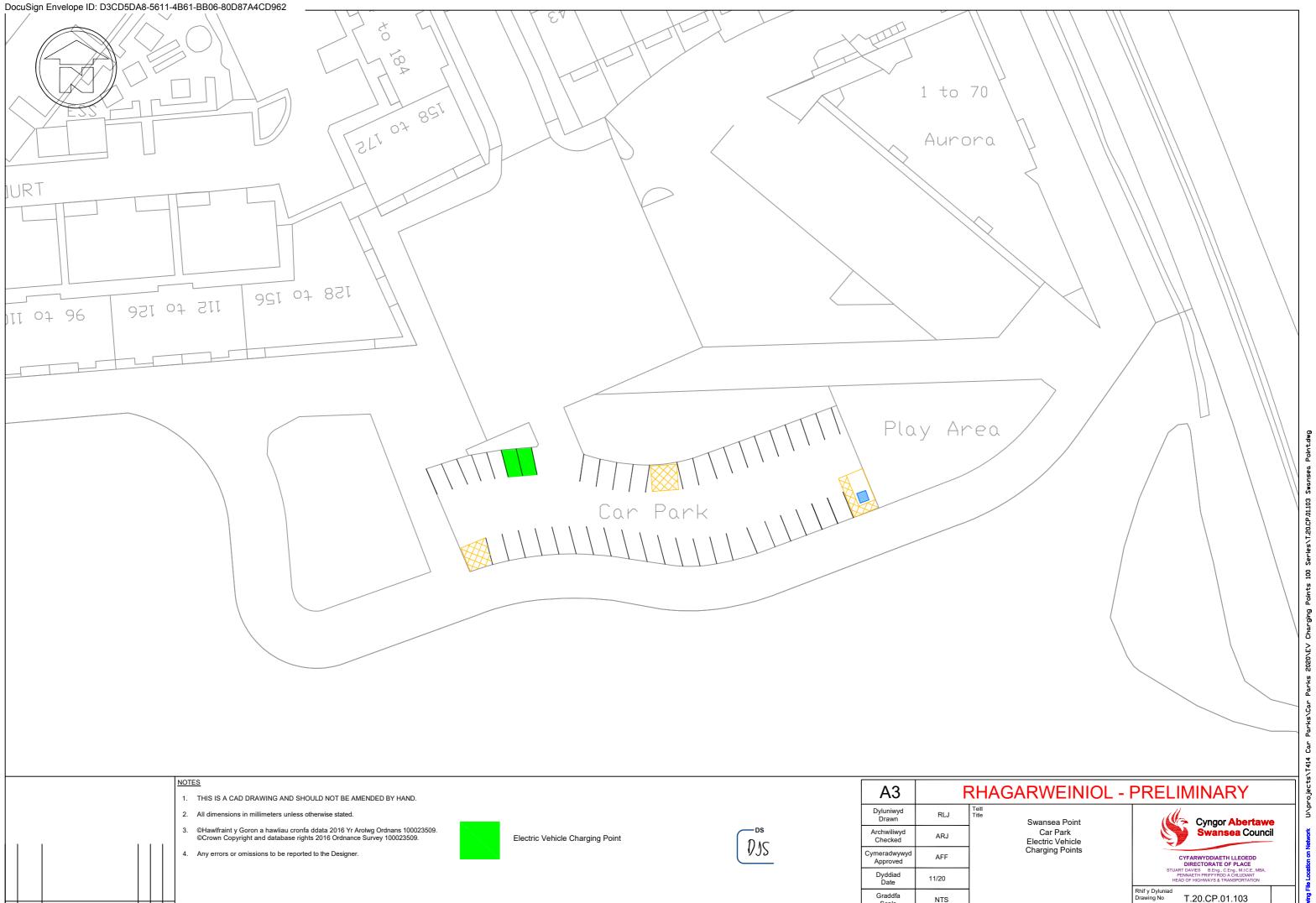
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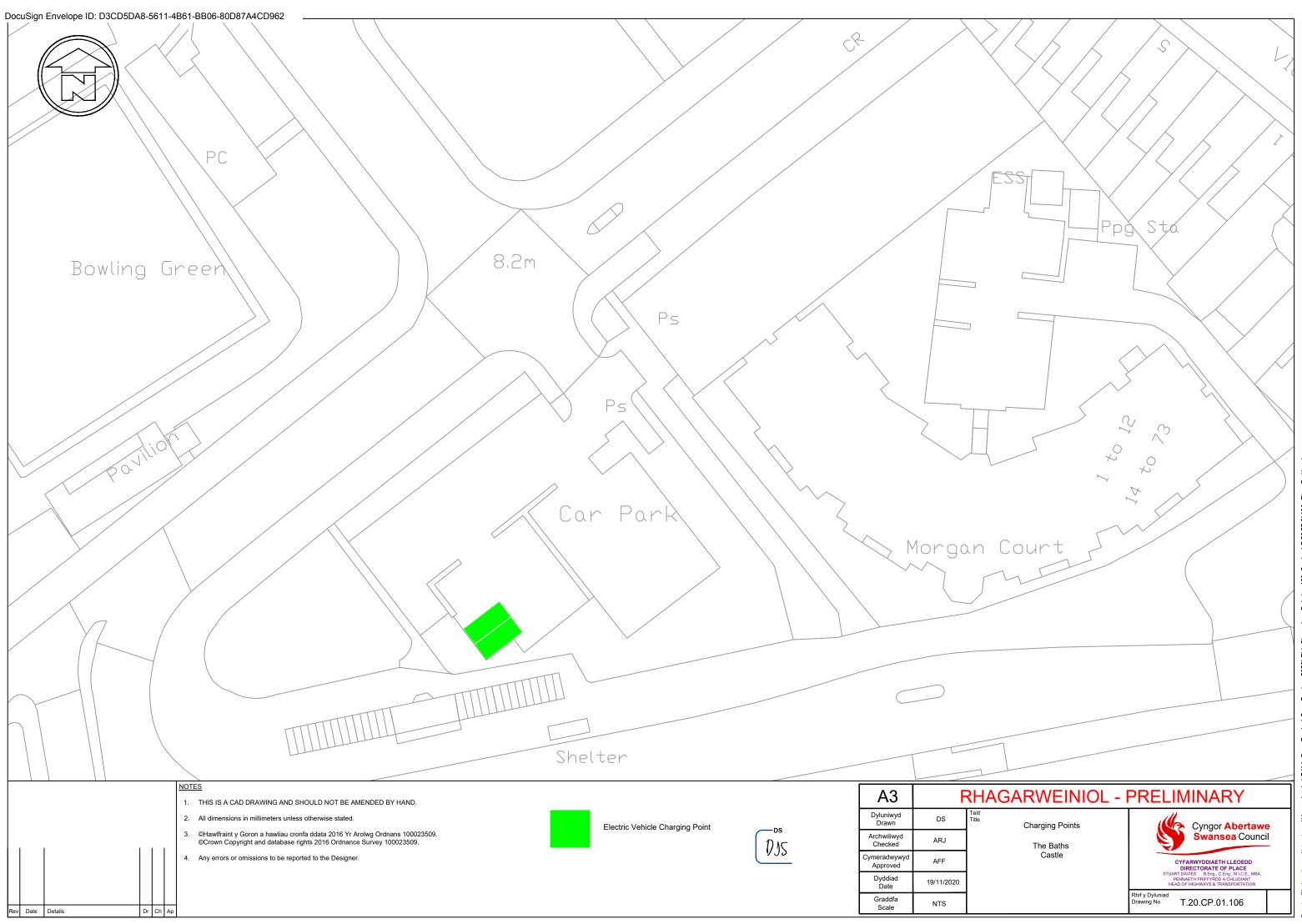
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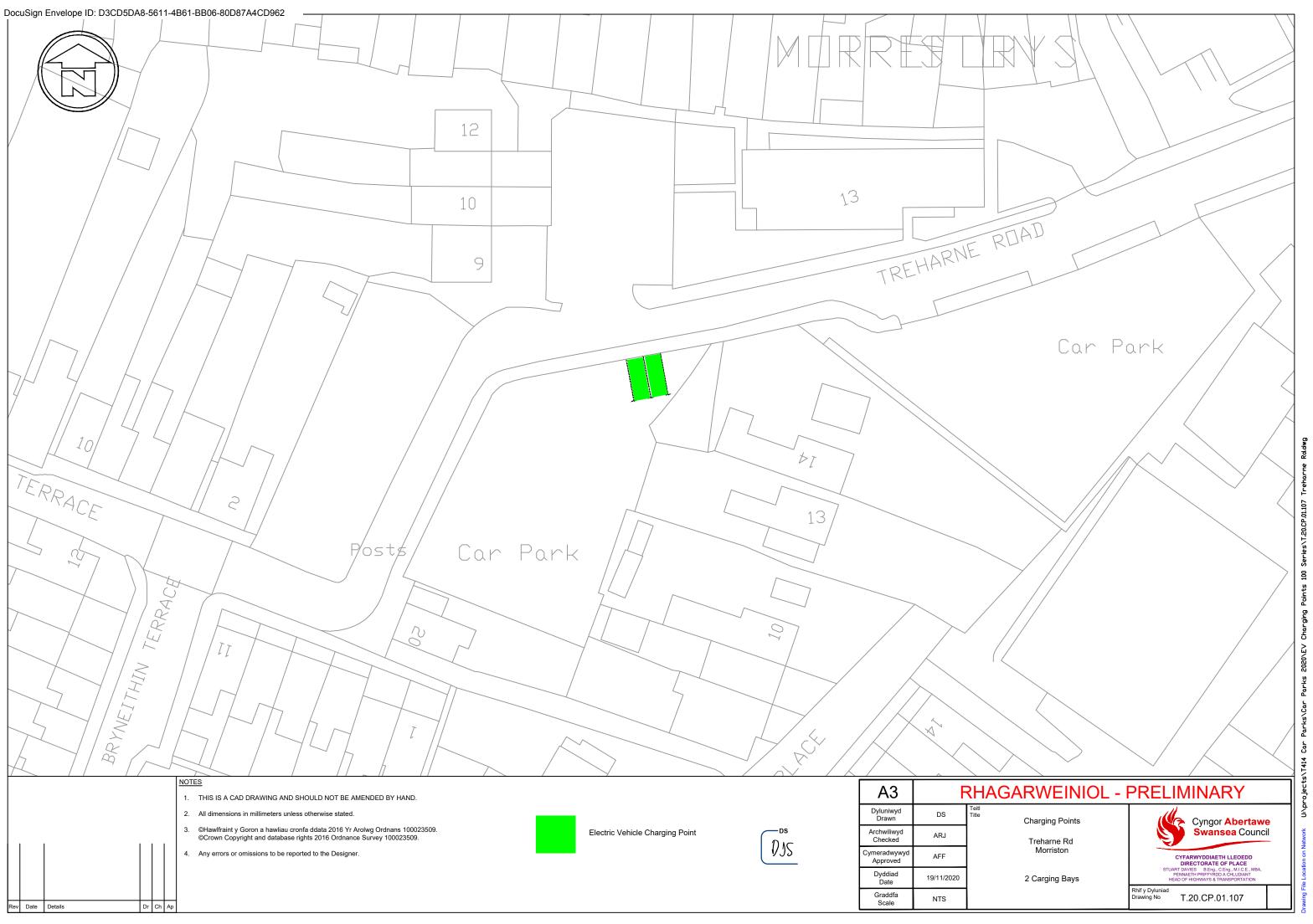
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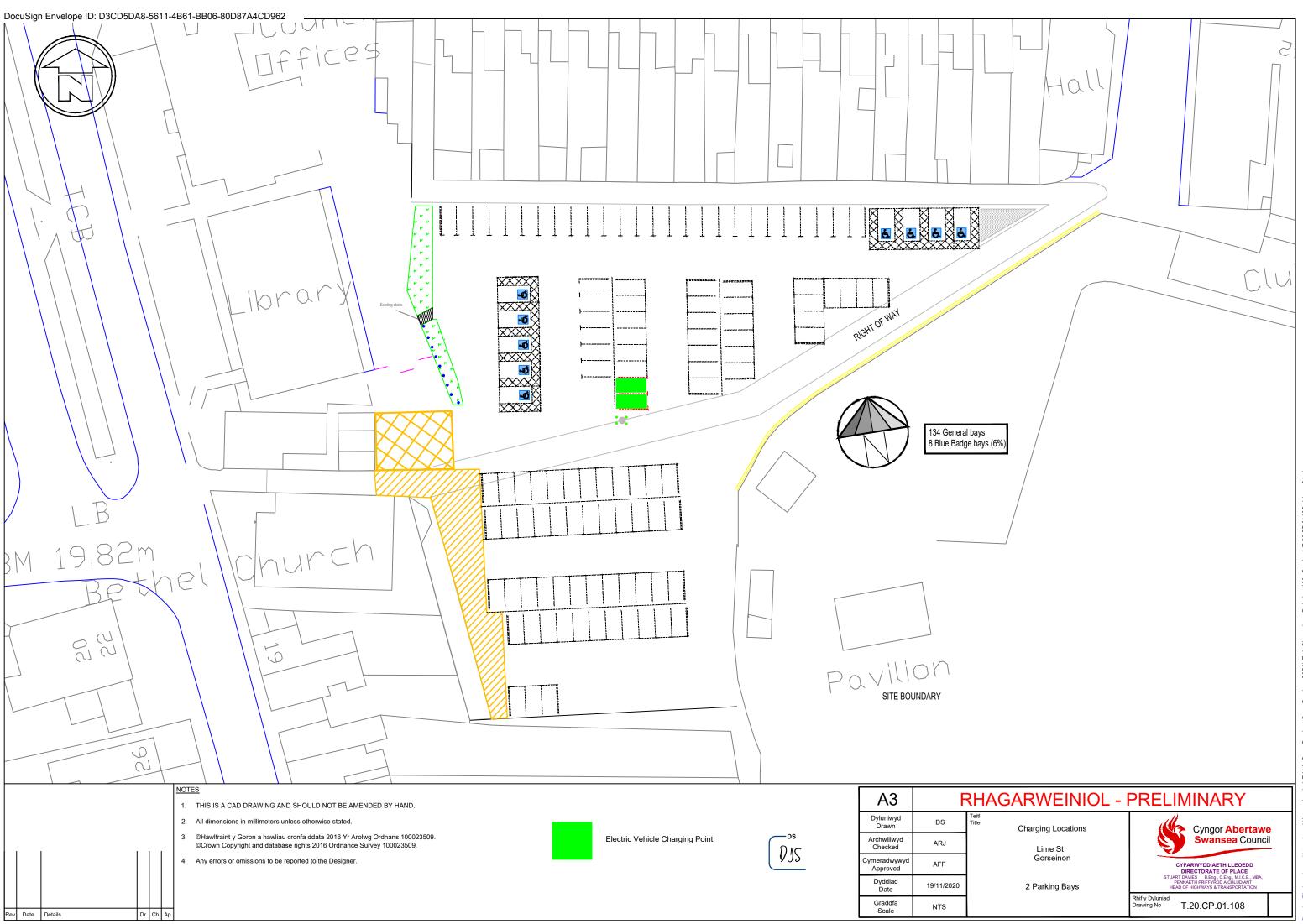


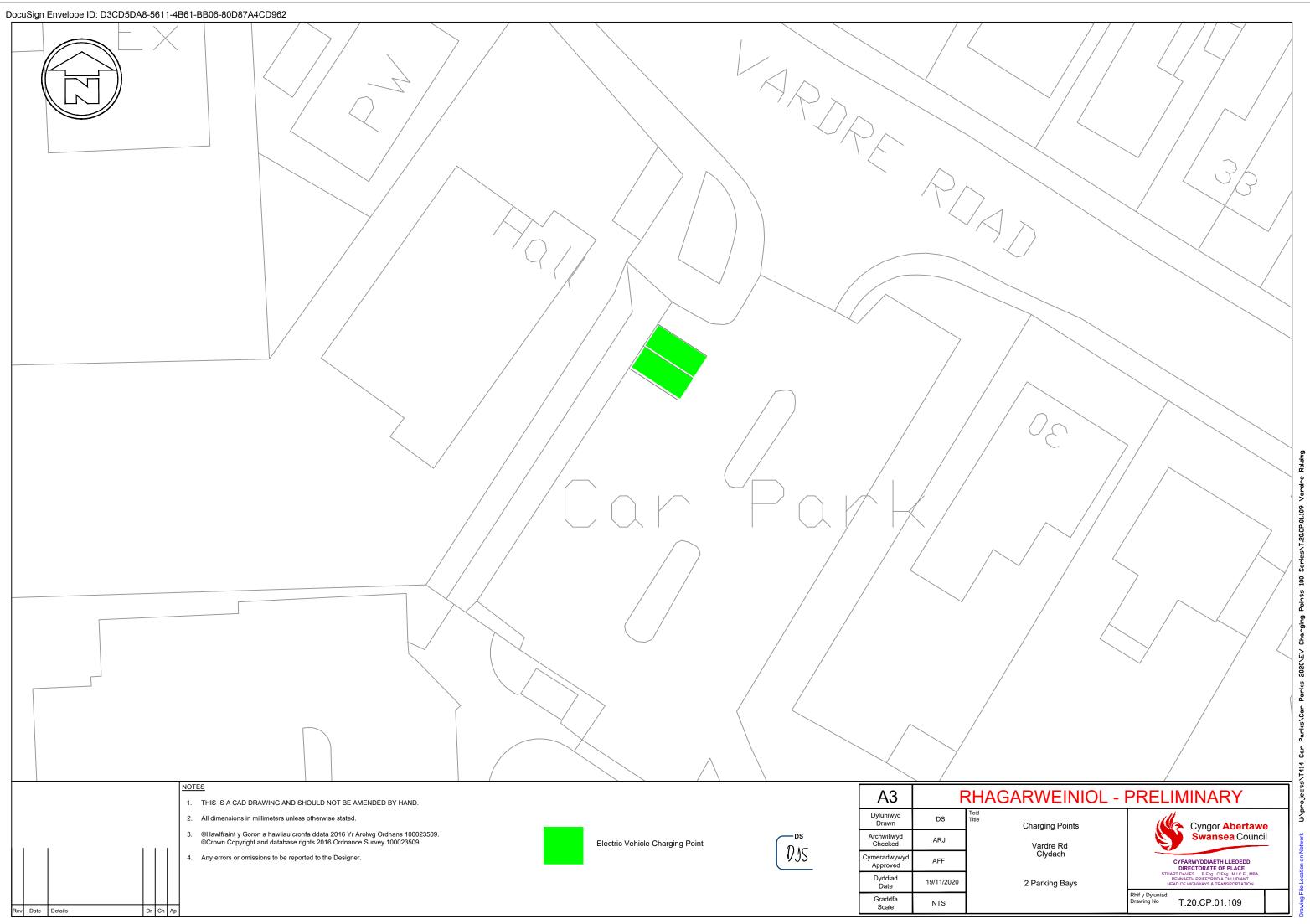
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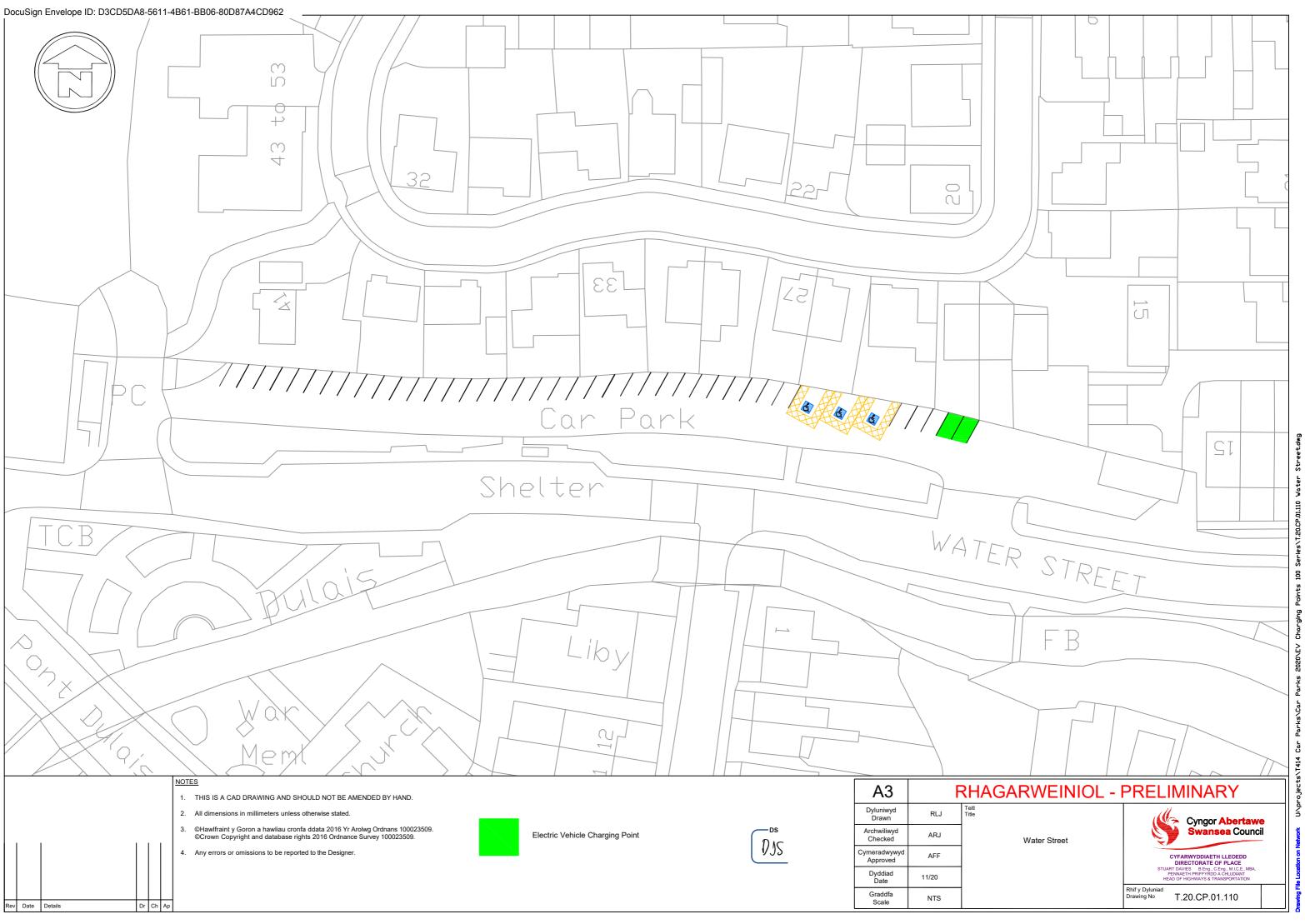




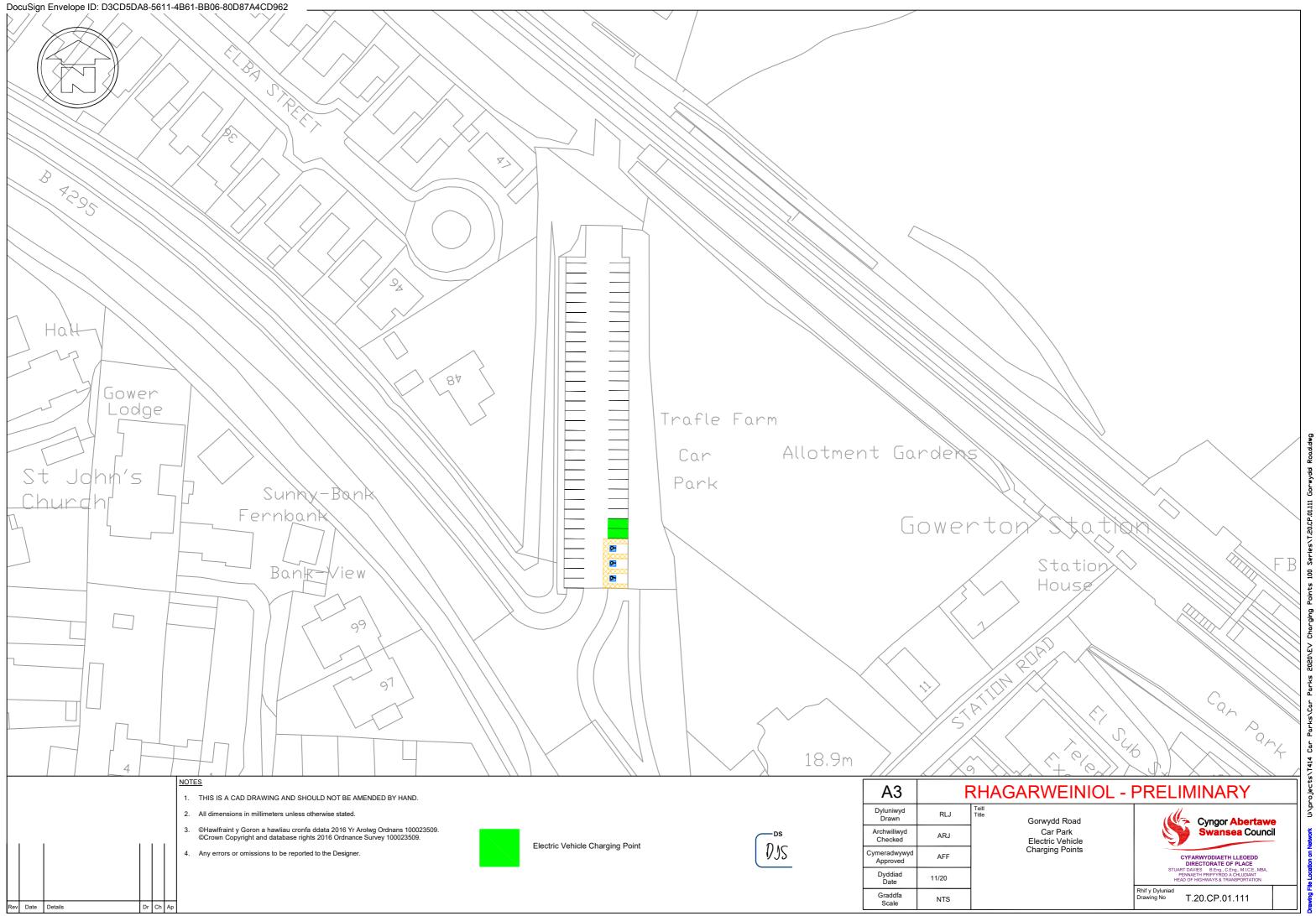
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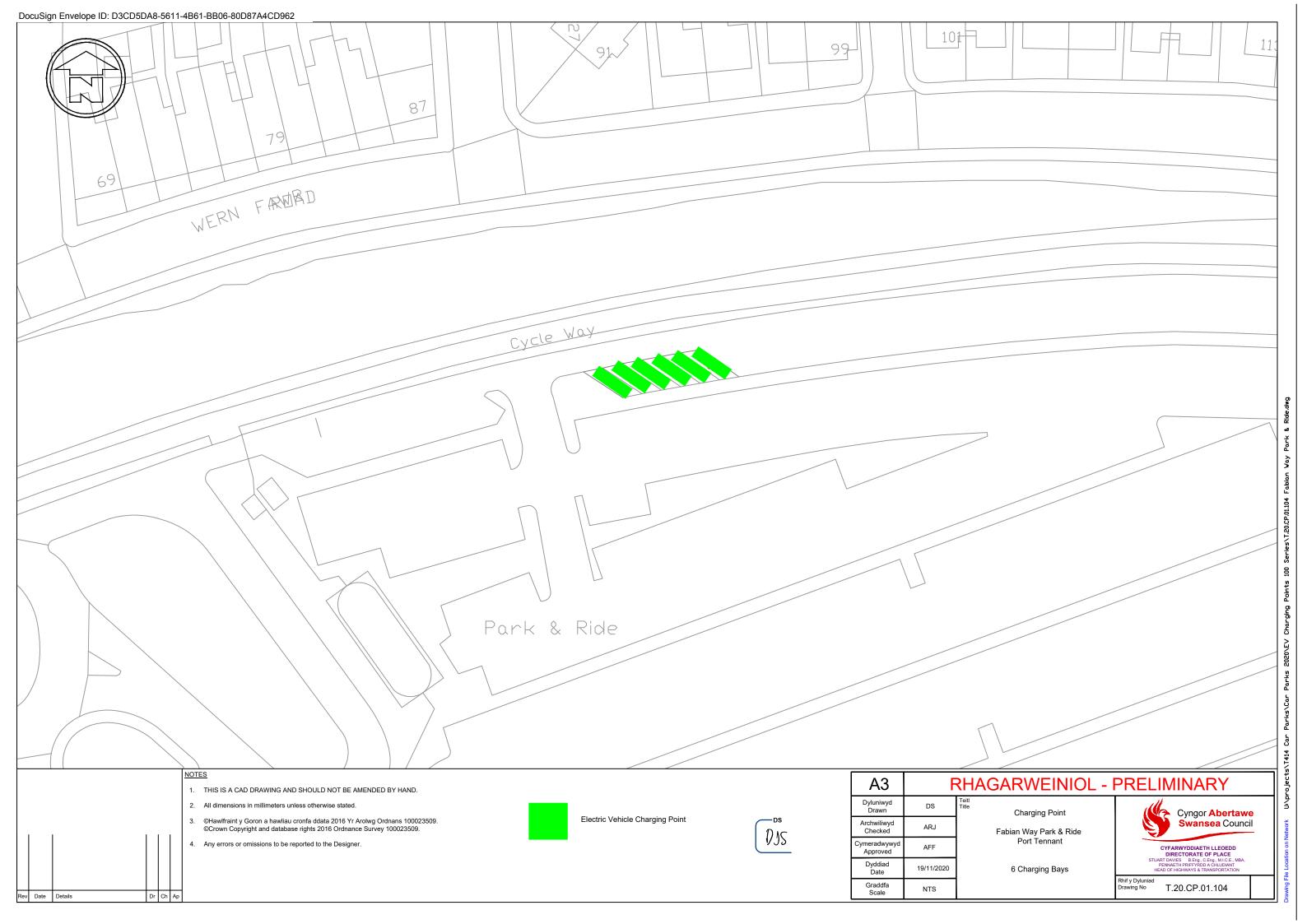




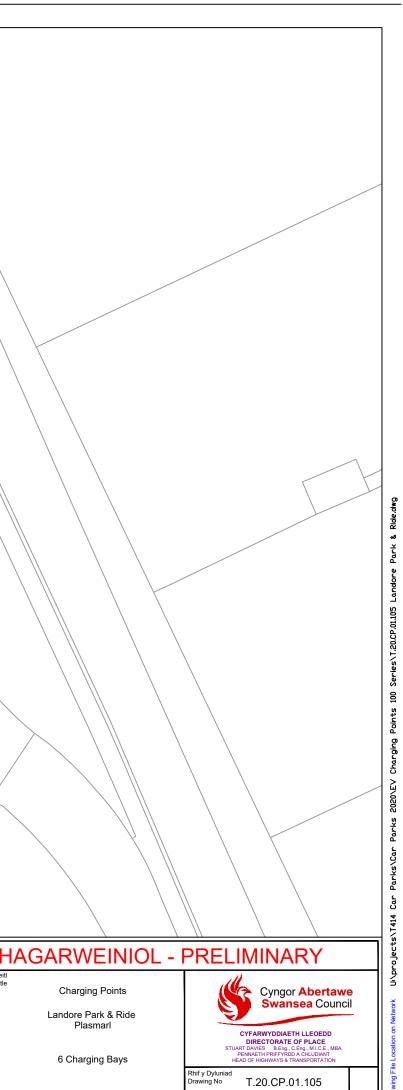


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Dated this <sup>23rd March 2021</sup>

THE COMMON SEAL OF THE	
COUNCIL OF THE CITY AND	)
COUNTY OF SWANSEA	)
was hereunto affixed	)
in the presence of	)



Authorised Signatory