#### THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA CYNGOR DINAS A SIR ABERTAWE TRAFFIC REGULATION ORDER 2024 VARIOUS LOCATIONS – EV CHARGING PLACES NOTICE 2024

**NOTICE:** is hereby given that on 20<sup>th</sup> June 2024 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 3<sup>rd</sup> July 2024, 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**

#### Electric Vehicle charging places - 8am - 6pm 1 hour no return within 2 hours

#### GOWER ROAD, KILLAY SQUARE

On its northern side from a point 30 metres west of the western kerbline of Swan Court westwards for a distance of 9 metres

#### **GOWER ROAD, SKETTY CROSS**

On its south western side from a point 73 metres north west of the north western kerbline of De-la-Beche Road north westwards for a distance of 25 metres.

#### **BEECHWOOD ROAD, UPLANDS**

On its southern side from a point 13 metres west of the western kerbline of Gwydr Crescent westwards for a distance of 12 metres.

#### PLEASANT STREET, CITY CENTRE

On both sides from a point 10 metres east of the eastern kerbline of Richard's Place eastwards for a distance of 6 metres across the cul-de-sac end.

26<sup>th</sup> June 2024 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 ON-STREET EV CHARGING PLACES VARIOUS LOCATIONS ORDER 2024

DVT-00277136/AVR

#### THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA CYNGOR DINAS A SIR ABERTAWE ON-STREET EV CHARGING PLACES VARIOUS LOCATIONS ORDER 2024

**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 3<sup>rd</sup> July 2024 and may be cited as the Council of the City and County of Swansea On-Street EV Charging Places Various Locations, Swansea Order 2024

#### **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;

"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 Point" means apparatus which supplies electricity for the charging of Electric Vehicles; "Electric Vehicle Parking Bay" means a Parking Bay identified as being for Electric Vehicles only that are taxed may park as shown on the plans contained in Schedule 3 and is indicated by 'Parking Bay Markings';

"Parking Bay Markings" means white or yellow lines marked out on the surface to indicate the limits of each 'Parking Bay';

"Relevant Position" in respect of 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 ELECTRIC PARKING BAYS

#### **Designation**

6. Each area of land specified at Schedule 2 to this Order and as shown on the plans at Schedule 3 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).

#### Class and use of bay

- 7. No person shall cause or permit a vehicle to be parked within an Electric Vehicle Parking Bay 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

8. 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 near an Electric Vehicle Parking Bay.

#### Electric Vehicle Parking Bays

9. Where, within the vicinity of Electric Vehicle Parking Bays, there is a sign or Parking Bay Markings which indicates that a Electric Vehicle Parking Bay, is limited for waiting only by an Electric Vehicle, a vehicle shall not be left in that Electric Vehicle Parking Bays unless it is an Electric Vehicle or a plug-in hybrid vehicle but not including a self-charging hybrid vehicle, and is actively charging from an Electric Vehicle Charging Point.

#### Position of vehicle

- 10. If Electric Vehicle Parking Bays are marked out 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 Electric Vehicle Parking Bays unless it is so positioned.
- 11. If Electric Vehicle Parking Bays are not marked out the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles, the free flow of traffic circulating.

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

- 12. The operational time for each of the Electric Vehicle Parking Bays specified in Schedule 2 and to this Order shall be 8am 6pm.
- 13. The maximum period of stay in an Electric Vehicle Parking Bay shall be 1 hour separated by a period 2 hours without returning. Nothing in this Article shall prevent the Council from time to time restricting hours with signs.

#### Power to close or suspend Electric Vehicle Parking Bays

- 14. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in an Electric Vehicle Parking Bay: from closing a Electric Vehicle Parking Bay or any part thereof for any period; and/or from setting aside an Electric Vehicle Parking Bay 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.
- 15. No person shall cause or permit a vehicle to be parked in an Electric Vehicle Parking Bay or any part thereof during such periods that the Electric Vehicle Parking Bay 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

16. No person shall in an Electric Vehicle Parking Bay 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 Electric Vehicle Parking Bay or in connection with the selling or offering for hire of skill or services in any other capacity.

#### Parked with motor running

17. No person shall in an Electric Vehicle Parking Bay continue to run the motor when the vehicle is in the Electric Vehicle Parking Bay and shall not start the motor except when about to change the position of the vehicle in or to depart from the Electric Vehicle Parking Bay.

#### Parked causing an obstruction

- 18. No person shall in an Electric Vehicle to park in such a manner or place where it causes an obstruction to any other road users.
- 19. 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 Electric Vehicle Parking Bay 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 27 of the Postal Services Act 2011;

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.
- 20. Nothing in this Order shall render it a contravention of the provisions of the Order to cause or permit a vehicle to park in an Electric Vehicle Parking Bay specified in Schedule 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**

21.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 an Electric Vehicle Parking Bay.

#### Contraventions in Suspended Electric Vehicle Parking Bays

22.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 Electric Vehicle Parking Bay 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

23. Any person authorised by the Council or a police officer in uniform removing a vehicle from an Electric Vehicle Parking Bay 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 an Electric Vehicle Parking Bay

24. 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 an Electric Vehicle Parking Bay if the vehicle appears to have been abandoned.

## Contravention and Penalty Charge Contravention

25. Save for the provisions in Articles 28, 29, 30, 31, 32, 33, and 34 (Contravention and Penalty Charge Liability) if a vehicle is parked in an Electric Vehicle Parking Bay 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

- 26. 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 Electric Vehicle Parking Bay in which the vehicle in question was found.

#### Indications as Evidence

27. 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 Liability

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

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

29. 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

30. Any person who causes or permits any vehicle to wait in an Electric Vehicle Parking Bay 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

- 31. 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.
- 32. No person shall cause damage to any Council equipment, Electric Vehicle Charging Point, signing or lighting installations or other installations within the Electric Vehicle Parking Bay or to any part of the fabric of the Electric Vehicle Parking Bay and any person doing so shall be liable to prosecution.

#### Domestic purposes

- 33. Any person who uses any part of the Electric Vehicle Parking Bay or any vehicle parked in an Electric Vehicle Parking Bay:
  - 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 Electric Vehicle Parking Bay, shall be liable to prosecution.

#### Other activities

- 34. Any person who in an Electric Vehicle Parking Bay:
  - 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 Electric Vehicle in the Electric Vehicle Parking Bay under the terms of use of the Electric Vehicle Parking Bay shall be liable to prosecution.

#### REVOCATION

35. 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**

### ELECTRIC VEHICLE CHARGING PLACES - 8AM – 6PM 1 HOUR NO RETURN WITHIN 2 HOURS

#### GOWER ROAD, KILLAY SQUARE

On its northern side from a point 30 metres west of the western kerbline of Swan Court westwards for a distance of 9 metres

#### **GOWER ROAD, SKETTY CROSS**

On its south western side from a point 73 metres north west of the north western kerbline of De-la-Beche Road north westwards for a distance of 25 metres.

#### **BEECHWOOD ROAD, UPLANDS**

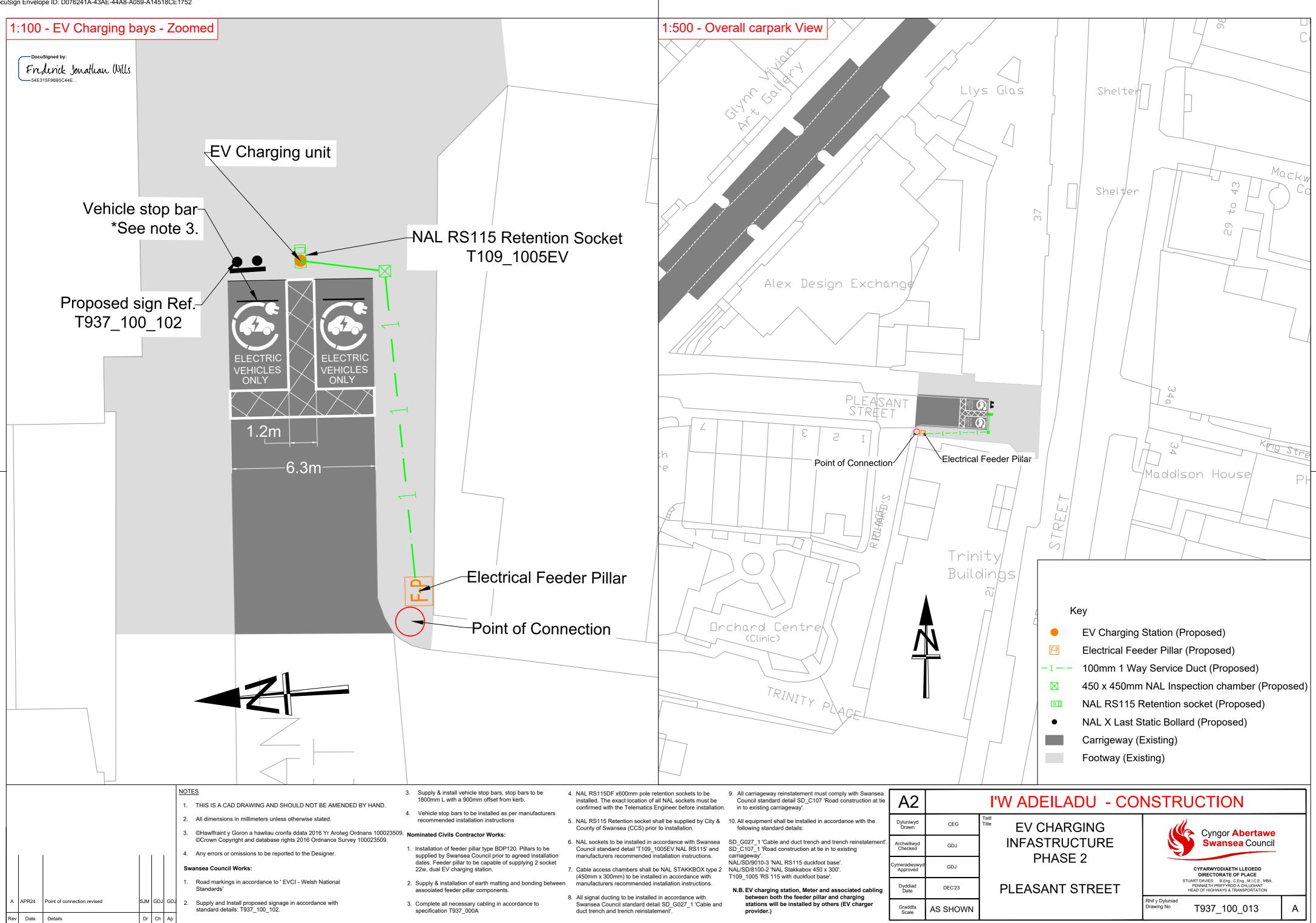
On its southern side from a point 13 metres west of the western kerbline of Gwydr Crescent westwards for a distance of 12 metres.

#### PLEASANT STREET, CITY CENTRE

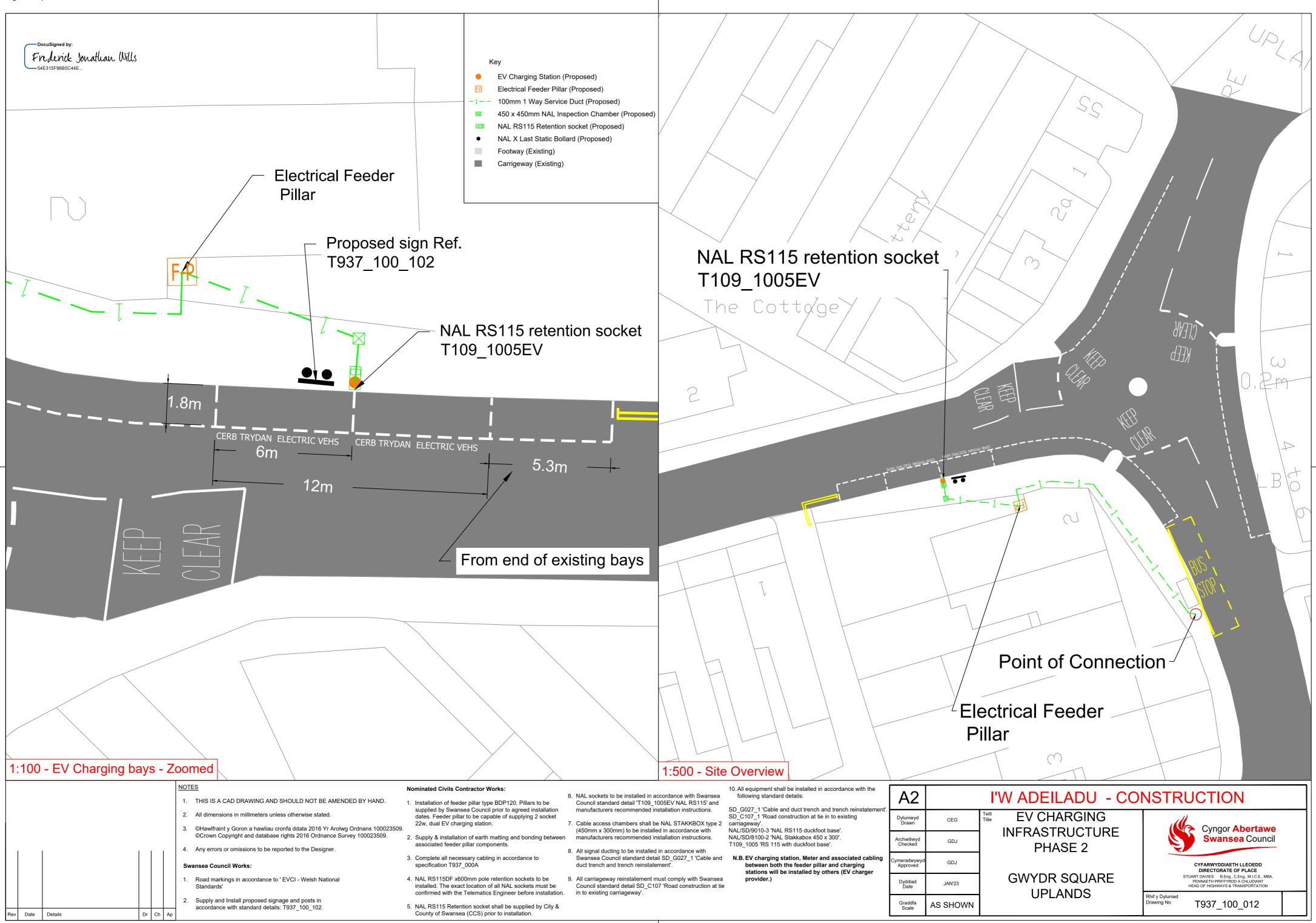
On both sides from a point 10 metres east of the eastern kerbline of Richard's Place eastwards for a distance of 6 metres across the cul-de-sac end.

### SCHEDULE 3 – PLANS DEPICTING THE ELECTRIC VEHICLE PARKING BAYS REFERRED TO IN SCHEDULE 2

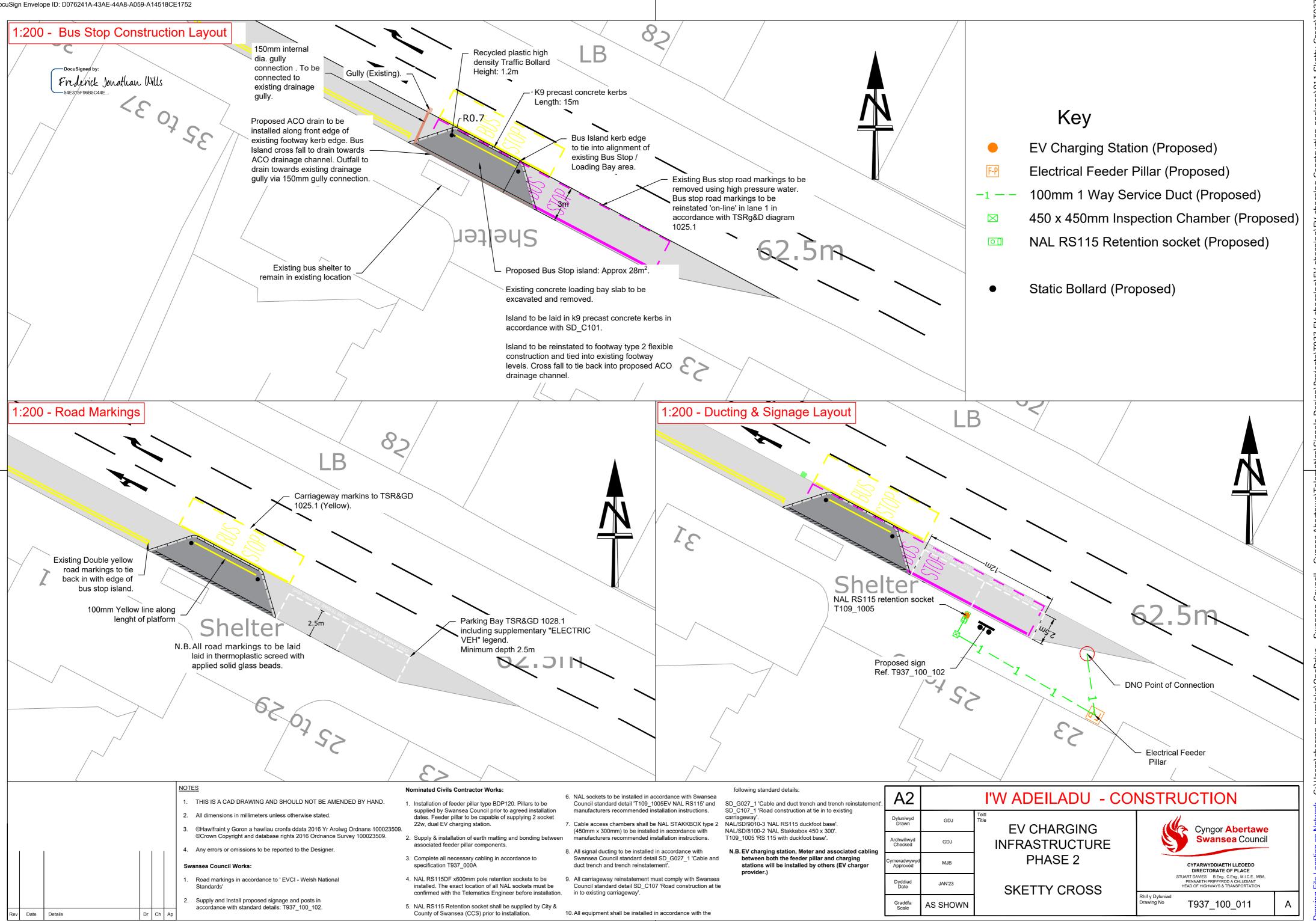
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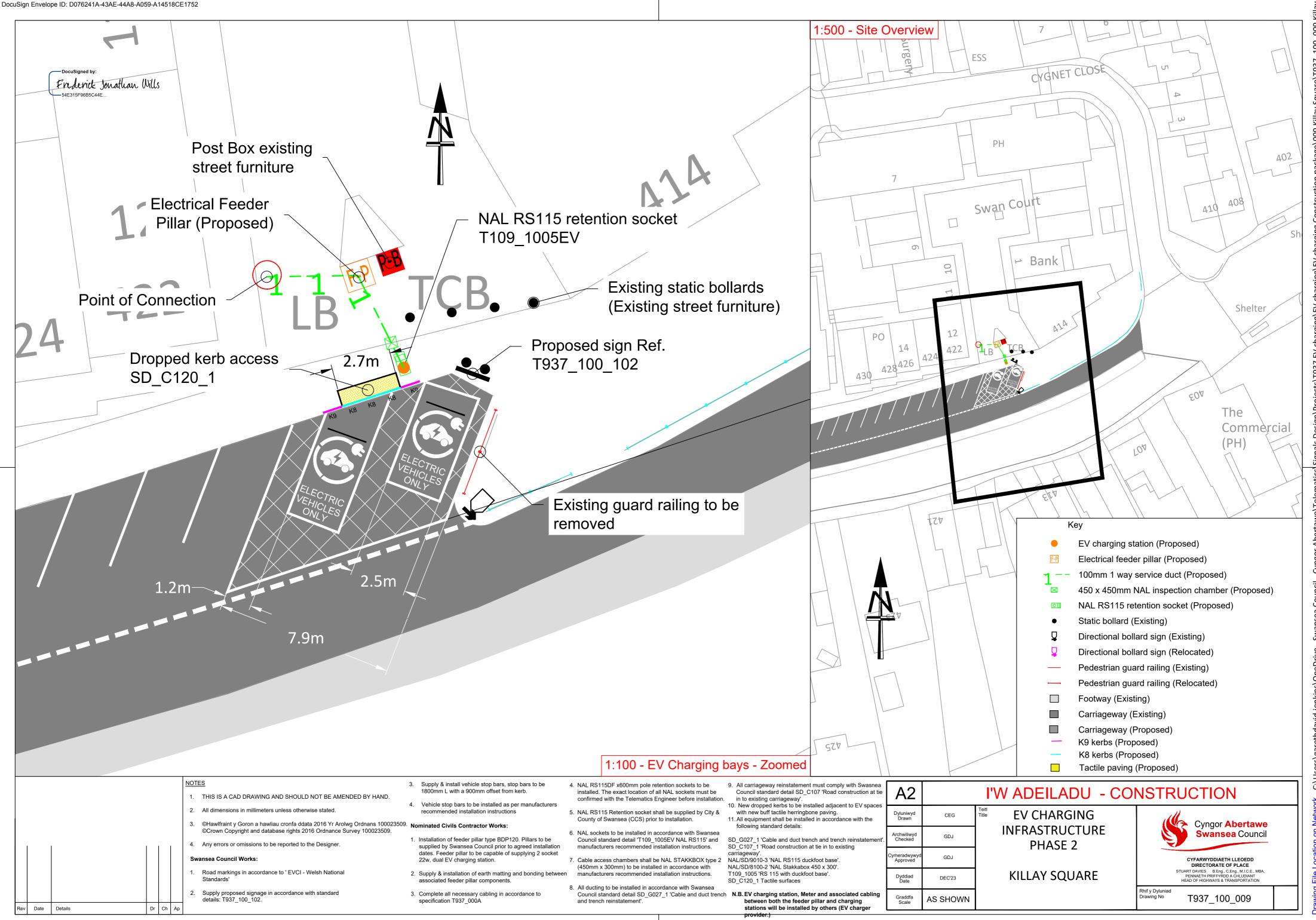
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THE COMMON SEAL OF THE	)
COUNCIL OF THE CITY AND	)
COUNTY OF SWANSEA	)
was hereunto affixed	)
in the presence of	)



Friderick Jonathan Wills \_\_\_\_\_54E315F96B5C44E...

**Authorised Signatory** 

#### **STATEMENT OF REASONS**

#### Notice of Intent for the Traffic Regulation Order

#### VARIOUS LOCATIONS – EV CHARGING PLACES

To provide EV charging places on the highway in support of the growing trend towards sustainable transport.

#### Extract from RTRA 1984

#### 2 What a traffic regulation order may provide.

(1) A traffic regulation order may make any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order,—

(a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it, and

(b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.