

CITY OF COVENTRY (HALES STREET) (BUS GATE) (EXPERIMENTAL) ORDER 2023

The Council of the City of Coventry ("the Council"), in exercise of their powers under Sections 9 and 10 and Parts III & IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") (as amended) and by the virtue of The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Coventry) Order 2005 (Statutory Instrument 2005 No. 378), made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the Act of 1991") and The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71) and Traffic Management Act 2004 ("the Act of 2004") 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, hereby make the following Order:-

1. This Order shall come into force on **19th day of July 2023** for a period not exceeding 18 months and may be cited as the "City of Coventry (Hales Street) (Bus Gate) (Experimental) Order 2023".
- 2 (i) In this Order:-
 - a) a reference to an article followed by a number is a reference to the Article of this order so numbered;
 - b) the following expressions shall have the meanings assigned to them:-

"approved device" means a device of a description specified in an Order made by the Relevant National Authority in line with the Act of 2004 and adhering to The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71);

"bus" has the same meaning as in Schedule 1 to the 2016 Regulations;

"bus gate" means the length of road described in the First Schedule to this Order and indicated by signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorised by the Relevant National Authority;

"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;

"cause" includes permit and causing shall be construed accordingly

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

"date of service" means the last day of the period of three (3) consecutive working days beginning with the first day of posting.

"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;



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

"issuing authority" means the Council

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022(Statutory Instrument 2022 No.71)

"penalty charge notice" means a notice issued by a person authorized to do so by the Council pursuant to the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022) (Statutory Instrument 2022 No.71).

"PCN" means a Penalty Charge Notice;

"pedal cycle" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"permit" means a permit issued under the provisions of Article 9 to this Order 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;

"permit identifier" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016 and the specific permit identifier applicable to the permit for the bus gate, thus allowing legitimate access through the bus gate, is defined in the Second Schedule to this Order

"private hire vehicle" means a vehicle licensed under Section 48 Local Government (Miscellaneous Provisions) Act 1976 or any similar enactment;

"Relevant National Authority" means the Secretary of State in respects England;

"relevant position" in respect of a non-virtual permit 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 the Schedule 3 of this Order

"road" shall have the same meaning ascribed to it by Section 142 of the Act

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

"vehicle" means a mechanically and/or electrically propelled vehicle intended or adapted for use on the Road which for the avoidance of doubt includes the whole or any part of a vehicle.



- (ii) The Interpretation Act 1978 shall apply for interpretation of this order as it applies for the interpretation of an Act of Parliament.
- (iii) Reference to any Statutory Instrument, Act, Regulations or Order referred to in this Order shall be read and construed as the Statutory Instrument, Act, Regulations or Order as amended, varied, reenacted or revoked
3. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of an Approved Device
4. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council will serve a PCN in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71)
 - i) on the person appearing to be the owner or keeper of the Vehicle or
 - ii) on the person appearing to be the person liable to pay the charge
5. If a Vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Regulations under the Act of 2004 and in accordance with guidance given by the Relevant National Authority (the Penalty Charge) is to be paid in the manner described in the notice.
6. When the owner, keeper or driver has been identified the Council will issue a PCN in accordance with this Order and send the PCN by post
7. Save as provided in Article 8 of this Order no person shall except upon the direction or with permission of a Police Officer in uniform or Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Coventry City Council cause or permit any vehicle to travel through the bus gate or be in and/ or proceed in the length of road described in Schedule 1 to this Order, Monday to Saturday, between 10am and 6pm.
8. Nothing in Article 7 of this Order shall apply to any vehicle listed in Schedule 2 to this Order.
9. The Council may at its discretion issue permit(s) allowing vehicles to proceed in accordance with Article 8
10. Where applicable as specified in Schedule 3 to this Order, any resident may apply to the Council for permits and visitor permits for bona fide persons visiting the resident.
11. Any person who satisfies the Council that he/she occupy, run or are employed by a business from a business premises which is located at a postal address specified in Schedule 3 may apply to the Council for permits and visitor permits for bona fide persons visiting the business premises.
12. The Council may, by written notice 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 either or both of the events set out in Article 13 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.

- 13 The events referred to in Article 12 are:-
- (i) the permit holder ceasing to be a resident, business owner or employee of such a business;
 - (iii) the expiry of the period for which the permit was issued.
- 14 The Council's Director of Transportation & Highways, or such other officer as the Council may from time to time designate may modify any provision of this Order or suspend and/or revoke the operation of this Order or any part of it where it appears necessary to do so:-
- a) In the interest of the expeditious, convenient and safe movement of traffic; or
 - b) For preserving or improving the amenities of the area through which any road affected by the Order runs.
- 15 The restrictions, prohibitions and requirements imposed by this Order shall be read and construed as not being in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

SCHEDULE 1

Lengths of road in Coventry

The full width of that length of Hales Street from its junction with Bishop Street to a point 15m east of its junction with Bishop Street.



SCHEDULE 2

Nothing in Article 7 of this order shall apply to:-

- (a) buses
- (b) pedal cycles
- (c) any vehicle being used for police, fire or ambulance service purposes in circumstances of emergency
- (d) any vehicle being used for:-
 - (i) the removal of any obstruction to traffic.
 - (ii) the maintenance, improvement or reconstruction of the length of road
 - (iii) the laying, erection, alteration or repair of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus
- (e) any local authority, water or sewerage undertaker in pursuance of statutory powers or duties.
- (f) hackney carriages
- (g) vehicle with a valid permit (permit identifier TS) issued by Coventry City Council
- (h) vehicle with a valid permit to access Broadgate issued by Coventry City Council
- (i) a security vehicle being used for the delivery of money or valuables to or collection of money or valuables from premises eligible for permits applicable as specified in Schedule 3 to this Order
- (j) any vehicle being used in accordance with any indication given by a traffic sign which has been placed pursuant to section 66 or 67 of the Act

SCHEDULE 3

Roads and lengths of roads where residents, businesses, are eligible to apply for permits
(Permit Identifier TS)

Road in the City of Coventry	Length of Road	Properties Eligible
Cross Cheaping	Whole length	All Properties
Hales Street	From its junction with Bishop Street to its junction with Trinity Street	All Properties
Ironmonger Row	Whole length	All Properties
New Buildings	Whole length	All Properties
Palmer Lane	Whole length	All Properties
The Burges	Whole length	All Properties
Trinity Street	Whole length	All Properties



The Common Seal of THE COUNCIL OF
THE CITY OF COVENTRY was hereunto
affixed on the 6th day of July 2023 in
the presence of:




Authorised Signatory

Name - *Michael Gibbs-Green*

