

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF NUNEATON AND BEDWORTH)
(WAITING RESTRICTIONS, ON-STREET PARKING PLACES AND RESIDENTS' PARKING)
(CONSOLIDATION) (VARIATION E) ORDER 2022

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47, 49, 53 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as "the 1984 Act") the Traffic Management Act 2004 and of all other enabling powers hereby make the following Order:-

1. The Warwickshire County Council (Borough of Nuneaton and Bedworth) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) Order 2017 (which said Order of 2017 as varied is hereinafter referred to as 'the Principal Order') is hereby further varied in the manner and to the extent hereinafter provided.
2. In Article 2 to the Principal Order:-
 - a. delete the definition of "Bus" in its entirety and replace with:-

"Bus" shall mean a local bus as defined in Schedule 1 of the 2016 Regulations;"
 - b. prior to the definition of "Business Premises", insert the following definition:-

"Business" means any company registered at Companies House or any partnership registered at HMRC or any sole trader;"
 - c. prior to the definition of "doctor", insert the following definition:-

"Dispensation Fee" means the fee payable when applying to the Council for a dispensation in accordance with Article 24A of fifteen pounds per day per Parking Space;"
 - d. delete the definitions of "home carer" and "home carer's permit" entirely and replace with:-

"Home Carer" means a person employed by a health authority, local authority or an approved private organisation to provide care or medical support in the home for a Resident;

"Home Carer's Permit" means a permit issued to a Home Carer under the provisions of Article 25(3);"
 - e. delete the definition of "Loading" in its entirety and replace with:-

"Loading" means being engaged in the activity of continuously and expeditiously loading or unloading of Goods to or from a vehicle;"

f. delete the definition of "Parking Space" in its entirety and replace with:-

"“Parking Space” means a space within a Parking Place which is provided for the leaving of a vehicle and demarcated in accordance with either the 2016 Regulations or the 2002 Regulations;”

g. delete the definition of "Permit" in its entirety and replace with:-

"“Permit” means a permit issued virtually or otherwise under the provisions of Article 25;”

h. amend the definition of "plans" to "Plans"

3. Prior to Article 9(4) of the Principal Order, insert:-

"(3A) Nothing in Article 8 shall render it unlawful to cause or permit a Motor Car or Motor Cycle for which a valid Permit has been issued and virtually exists or on which is displayed in the Relevant Position a valid Permit for the zone in the length of road it is situated (issued under the provisions of Article 25) to wait in such lengths of road identified in Article 8 where it is specified on the Plans that those Permit Holders are excepted from those provisions."

4. After Article 9(4) to the Principal Order, insert:-

"(5) Nothing in Article 8 shall render it unlawful to cause or permit a Motor Vehicle for which a valid dispensation has been issued pursuant to Article 24A for the length of road in which the Motor Vehicle is waiting to wait in such length of road to which the dispensation applies during the period in which the dispensation is valid."

5. In Article 10 to the Principal Order, delete (1) and (2) entirely and replace with:-

"(1) Subject to the following provisions of Articles 11 to 17 inclusive, the parts of roads identified on the Plans as "Parking Places for Permit Holders" are authorised to be used as Parking Places in such positions, on such days and during such hours as identified on the Plans, for vehicles either displaying in the Relevant Position a valid Permit for that Parking Place issued under the provisions of Article 25 below or for vehicles registered as holding a valid Permit for that Parking Place issued virtually under the provisions of Article 25 below during the periods of time identified on the Plans.

(2) Subject to the following provisions of Articles 11 to 17 inclusive, the parts of roads identified on the Plans as an "Parking Places on Event Days" are authorised to be used as Parking Places on Event Days for Motor Cars, Motorcycles and Invalid Carriages which are registered by the Council as holding a valid Permit for that Parking Place or on which there is displayed a valid Permit relating to that Parking Place issued by the Council in respect of that vehicle during the Hours of Operation PROVIDED THAT the Event Days and Hours of Operation will vary and will be exhibited at Entry Locations by Traffic Signs indicating the dates and times of operation of the Parking Places."

6. In Article 17(1) to the Principal Order, delete (x) entirely and replace with:-

- “(x) if the vehicle is being used by a Home Carer when visiting premises near to the Parking Place to provide care or medical support in the home for a Resident provided that a Home Carer’s Permit and virtually exists for that vehicle relating to the zone in which the Parking Place is situated; or
- (xi) if the vehicle has a valid dispensation issued pursuant to Article 24A for the Parking Place in which the vehicle is waiting during the period in which the dispensation is valid.”

7. In the Principal Order, delete Part VI entirely and replace with:-

“PART VI

SUSPENSION OF PARKING PLACES AND DISPENSATIONS

- 23. (1) Any person authorised by the Council may suspend the use of a Parking Place or Disabled Person’s Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 24. (1) Any person or Business may apply to the Council for the suspension of a Parking Place or Disabled Person’s Parking Place or any part thereof:-
 - (a) for the purpose of facilitating any building operation, demolition or excavation in or adjacent to the Parking Place or Disabled Person’s Parking Place, or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place or Disabled Person’s Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus, telephone kiosk or traffic sign;
 - (b) for the convenience of occupiers of premises adjacent to the Parking Place or Disabled Person’s Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (c) any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (d) for the convenience of occupiers of premises adjacent to the Parking Place or Disabled Person’s Parking Places at times of weddings or funerals or any other special occasions

PROVIDED ALWAYS that the suspension of such a Parking Place or Disabled Person’s Parking Place shall be at the Council’s discretion and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) together with the Administration Fee.

- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a Parking Place or Disabled Person's Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a Parking Place or Disabled Person's Parking Place or any part thereof in accordance with the provisions of paragraphs (1) (2) or (3) of this Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or Disabled Person's Parking Place or the part thereof which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to be left in any Parking Place or Disabled Person's Parking Place during such period as there is in or adjacent to that Parking Place or Disabled Person's Parking Place a Traffic Sign placed in pursuance of paragraph (3) of this Article PROVIDED THAT nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Articles 17(1)(ii) or (iv) to be left in the parking place or Disabled Person's Parking Place during any such period, or for any other vehicle so left if that vehicle is left with the permission of the person suspending the use of the Parking Place or Disabled Person's Parking Place or of a police constable in uniform or a Civil Enforcement Officer.

24A Any Business may apply to the Council for a virtual dispensation enabling a Motor Vehicle to wait in a Parking Place or Disabled Person's Parking Place or any part thereof, for the purpose of carrying out of essential works which require a Motor Vehicle to be left in that Parking Place or Disabled Person's Parking Place PROVIDED ALWAYS that any dispensation shall be granted at the Council's discretion and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall be submitted to the Council together with the Dispensation Fee."

8. In the Principal Order, delete Part VII in its entirety and replace with:-

**“PART VII
PERMITS**

25. (1) Resident’s Permits – Event Day Parking Zones

- (a) Any Resident within an Event Day Parking Zone who is the Owner of a Motor Vehicle may apply to the Council for the issue of a resident’s Permit for the leaving of that Motor Vehicle in a Parking Place to which such Permit relates and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall include such particulars and information required by the Council.
- (b) On receipt of an application made under paragraph (1)(a) of this Article, the Council, upon being satisfied that the applicant is a Resident and is the Owner of a Motor Vehicle, shall issue (either virtually or otherwise) to that applicant one resident’s Permit for the leaving of that Motor Vehicle in any Parking Place in an Event Day Parking Zone to which such Permit relates by the Owner of such Motor Vehicle or by any person using such Motor Vehicle with the consent of the Owner other than a person to whom such Motor Vehicle has been let for hire or reward.

(1A) Resident’s Permits – Permit Controlled Zones

- (a) Any Resident within a Permit Controlled Zone who is the Owner of a Motor Car or Motorcycle may apply to the Council for the issue of a Permit for the leaving of that vehicle in a Parking Place and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall be accompanied by a remittance for such charge as provided in Article 26(1).
- (b) On receipt of an application made under paragraph (1A)(a) of this Article and the fee, the Council, upon being satisfied that the applicant is a Resident and is the Owner of a Motor Car or Motorcycle, shall issue (either virtually or otherwise) to that applicant one permit for the leaving of that vehicle in any Parking Place within the Permit Controlled Zone to which such Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the Owner other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one Household there shall not be in force at any one time more than three permits issued under the provisions of paragraph (1A)(a) of this Article.

(1B) Residents’ Permits – frequent vehicle changes through employers – Permit Controlled Zones

- (a) Any resident within a permit controlled zone in possession of a motor car or motor cycle provided by his/her employer may apply to the Council for the issue of a permit for the leaving of such a vehicle in a parking place and any such application shall be made to the Council and shall be made to the Council (using the method as may be specified by the Council from time to time) and accompanied by evidence from the applicant’s employer that the vehicle provided will change frequently and any such evidence as may be required by the Council from time to time together with a remittance for such charge as provided by Article 26(2).

(b) On receipt of an application made under the foregoing provision of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and has the use of vehicles of the class specified in paragraph (1A)(a) of this Article, shall issue (either virtually or otherwise) to that applicant one permit for the leaving of such a vehicle in any parking place within the zone to which such permit relates by the applicant or by any person using such vehicle with the consent of the applicant other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of either paragraph (1A)(a) or paragraph (1B)(a) of this Article

(2) Visitor's Permits – Event Day Parking Zones

(a) One Resident from each Household may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a visitor's Permit for the leaving of a Motor Vehicle in a Parking Place on an Event Day, for use by a visitor to the applicant's residence.

(b) On receipt of an application made under paragraph (2)(a) of this Article, the Council may, at its discretion, issue to the applicant a visitor's Permit (either virtually or otherwise) for the leaving of a Motor Vehicle in any Parking Place in the Event Day Parking Zone to which such Permit relates on an Event Day, provided always that such Permit may only be used by genuine visitors to the applicant's Household and further provided that there shall not be in use at any time more than one visitor's Permit per Household.

(2A) Visitor's Permits – Permit Controlled Zones

(a) Any Resident within a Permit Controlled Zone may apply to the Council (using the method as may be specified by the Council from time to time), accompanied by such remittance as prescribed in Article 26(3), for the issue of a Permit for use by visitors to the applicant's residence.

(b) On receipt of an application made under paragraph (2A)(a) of this Article and the fee, the Council (upon being satisfied that the requirements of Article (2A)(a) above have been met) shall issue (either virtually or otherwise) to the applicant one permit for the leaving of any Motor Car or Motorcycle in any parking place within the Permit Controlled Zone to which such permit relates by any visitor to the applicant's residence. Provided that in respect of the Residents of any one Household there shall not be in force at any time more than one permit issued under the provisions of paragraph (2A)(a) of this Article.

(3) Home Carer's Permits – Event Day Parking Zones and Permit Controlled Zones

(a) A Home Carer may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a Permit for the leaving within a Permit Controlled Zone of the vehicle specified in the application for the purposes only of carrying out their duties as a Home Carer and any such application shall be accompanied by any such evidence from the applicant's employer as may be required by the Council from time to time.

- (b) Upon receipt of an application duly made under the foregoing provision (3)(a) of this Article the Council may issue (either virtually or otherwise) to the applicant a Home Carer's Permit for the leaving in the Parking Place specified thereon of such a vehicle specified in the application as they are satisfied is used by a Home Carer who has justified the need for special parking arrangements and to whom no suitable alternative parking facility is available.

- (4) Medical Permits – Event Day Parking Zones
 - (a) A doctor, registered medical practitioner providing medically associated services or a health care professional providing professional services within a list of professions approved from time to time by the Council may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a medical Permit for the leaving of a Motor Vehicle in a Parking Place to which such Permit relates for use when attending a Resident at premises in an Event Day Parking Zone and any such application shall be accompanied by evidence from the applicant's employer as may be required by the Council from time to time.

 - (b) On receipt of an application made under paragraph (4)(a) of this Article the Council may, at its discretion, issue (either virtually or otherwise) to the applicant one medical Permit for the leaving of a Motor Vehicle in any Parking Place in the Event Day Parking Zone to which such Permit relates, provided always that the number of medical Permits issued shall be limited to a maximum of one per applicant.

- (5) Business Permits – Event Day Parking Zones
 - (a) Any person who occupies, runs or is employed by a Business from Business Premises and who does not have sufficient off street parking facilities and can demonstrate to the Council that it is necessary for the efficient operation of the Business for a Motor Vehicle to be parked in a Parking Place in an Event Day Parking Zone, may apply to the Council for the issue of a business Permit for the leaving of that Motor Vehicle in a Parking Place in the Event Day Parking Zone to which such Permit relates and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and such application shall be accompanied by such evidence as may be required by the Council from time to time.

 - (b) On receipt of an application made under the provisions of paragraph (5)(a) of this Article the Council may, at its discretion, issue (either virtually or otherwise) to the applicant one business Permit for the leaving of a Motor Vehicle in any Parking Place in an Event Day Parking Zone to which such Permit relates.

(6) Special Discretionary Permits – Event Day Parking Zones

(a) The Council at its absolute discretion may issue to any other applicant a special discretionary Permit for a specified period of time:-

(i) where the applicant has been unsuccessful in obtaining a Permit under the foregoing provisions of this Order; or

(ii) in respect of a planned one off event such as a wedding, or family gathering;

subject to an application being made to the Council (using the method as may be specified by the Council from time to time) at least ten days in advance and such application being accompanied by such evidence as may be required by the Council from time to time.

(c) On receipt of an application made under the provisions of paragraph (6)(a) of this Article the Council may, at its discretion, issue (either virtually or otherwise) to the applicant one Permit for the leaving of a Motor Vehicle in any Parking Place in an Event Day Parking Zone to which such Permit relates.

(7) 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 such application or Permit as it may reasonably require to verify any information given to it.

26. (1) The charge in connection with the issue of a Permit under Article 25(1A)(a) and 25(1B)(a) shall be twenty-five pounds for each Permit and each Permit shall be valid for a period of twelve months running from the date of issue.

(2) The charge in connection with the issue of one visitor's permit under Article 25(2A)(a) shall be twenty-five pounds and each permit shall be valid for twelve months from the date of issue. Prior to the commencement of parking by a visitor the Permit Holder shall ensure that the relevant details of the visitor's vehicle are registered with the Council (using the method as may be specified by the Council from time to time).

27. (1) A Permit Holder may surrender a Permit to the Council at any time and shall surrender a Permit to the Council on the occurrence of any of the events set out in paragraph (3) of this Article.

(2) 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, or by electronic means to the permit holder at the email address shown by that person on the application form, withdraw a Permit if it appears to the Council that any one of the events set out in paragraph (3) of this Article has occurred and the Permit Holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.

- (3) The events referred to in the foregoing provisions of this Article are:-
- (i) in respect of a Permit issued under Article 25(1), 25(1A) or 25(2) or 25(2A), the Permit Holder ceasing to be a Resident;
 - (ii) in respect of a Permit issued under Article 25(3), the Resident ceasing to receive care at his residence;
 - (iii) in respect of a Permit issued under Article 25(3) to a Home Carer, the vehicle or any vehicle in respect of which the Permit was issued ceasing to be used by a Home Carer solely for the purposes of their duties as a Home Carer;
 - (iv) in respect of a permit issued under Article 25(4) the Permit Holder ceasing to be a doctor, registered medical practitioner providing a medically associated service or a health care professional providing a professional service approved by the Council, or ceasing to attend a Resident at premises in an Event Day Parking Zone;
 - (v) in respect of a Permit issued under Article 25(5), the Permit Holder ceasing to occupy, run or be employed by a Business from Business Premises;
 - (vi) the Permit Holder ceasing to be the Owner of the Motor Vehicle in respect of which the Permit was issued;
 - (vii) the Motor Vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is no longer falls within the definition of Motor Vehicle in this Order;
 - (viii) the permit being used in such a manner which contravenes the provisions of this Order; and
 - (ix) any other reason by which the Council understands misuse of the permit or permit application process has occurred.
- (4) A Permit shall cease to be valid on the day following the expiry date specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is the earlier.
- (5) Where a Permit is issued to any person upon receipt of a payment and the payment is subsequently dishonoured, the Permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such Permit was issued by sending the same by the recorded delivery service or by electronic means to the Permit Holder at the address or email address shown by that person on the application for the permit or at any other address believed to be that person's place of residence, require that person to surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

28. (1) (i) A Permit Holder may at any time apply to the Council for a Permit issued to him to be amended so as to relate to another Motor Vehicle provided that the appropriate evidence of ownership or use is provided where required and provided that (with the exception of permits issued under Article 25(1B) and a maximum of two such amendments will be authorised in any twelve month period.
- (ii) Upon receipt of an application pursuant to paragraph (1)(i) of this Article and of the relevant evidence the Council may amend the Permit accordingly or to such lesser extent as it thinks fit or, at its discretion, issue a revised Permit, and if a revised Permit is so issued, the original Permit shall become invalid.
29. (1) A Permit Holder may apply to the Council (using the method as may be specified by the Council from time to time) for a Permit to be cancelled and (unless the Permit was issued virtually) shall surrender that Permit to the Council.
- (2) A Permit Holder who successfully applies for a permit to be cancelled pursuant to Article 29(1) above shall be entitled to a refund of that part of the charge paid (less an admin fee for processing the cancellation) as is attributable from the date of acceptance by the Council of the application for cancellation and (unless issued virtually) the surrendered Permit PROVIDED ALWAYS THAT the Permit has at least six whole unexpired months remaining at the date of acceptance by the Council of the application for cancellation.
30. A Permit (unless issued virtually) shall be in writing and shall include the following particulars:-
- (1) an authentication that the Permit has been issued by the Council;
- (2) the registration mark of the Motor Vehicle in respect of which the Permit has been issued (where applicable);
- (3) the time and date on which, subject to the provisions of Article 27(4), the Permit expires;
- (4) the code identifying the Event Day Parking Zone or Permit Controlled Parking Zone to which such Permit relates;
- (5) a serial number by which the Permit may be identified.
31. Unless the permit has been issued virtually at all times in which a vehicle is left in a Parking Place pursuant to Article 10 there shall be displayed on the front of the vehicle a valid Permit issued in respect of that vehicle so that all the particulars referred to in Article 30 are readily visible from the front of the vehicle.
32. Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 31 no person, other than the Permit Holder, shall remove the Permit from the vehicle unless authorised to do so by the Permit Holder.

32A. Upon successful application for any of the permit types described in the above Articles and receipt of the correct fees as specified in the above Articles, the applicant's details and those of the vehicle to which the permit applies will be recorded in the Council's permit database and the permit will be deemed valid and live."

9. This Order shall come into operation on the _____ day of _____ Two Thousand and twenty-two and may be cited as "The Warwickshire County Council (Borough of Nuneaton and Bedworth) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation E) Order 2022".

SIGNED by the Proper Officer
for and on behalf of The Warwickshire County Council

on the _____ day of _____ Two thousand and twenty-two

Authorised by Initials.....

DATED

2022

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF NUNEATON AND BEDWORTH)
(WAITING RESTRICTIONS, ON-STREET PARKING
PLACES AND RESIDENTS' PARKING)
(CONSOLIDATION) (VARIATION E) ORDER 2022