

BASINGSTOKE AND DEANE BOROUGH COUNCIL (ELECTRIC VEHICLE CHARGING PLACES)(FEATHERS YARD, BASINGSTOKE) ORDER 2020

The Basingstoke and Deane Borough Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 with Hampshire County Council in exercise of its powers under sections 1(1), 2(1) to (3), 4, 5, 45, 46 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended 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 of 1984, hereby makes the following Order.

SECTION 1 – PRELIMINARY

Citation and commencement

This Order shall come into operation on the 7 September 2020 and may be cited as The Basingstoke and Deane Borough Council (Electric Vehicle Charging Places)(Feathers Yard, Basingstoke) Order 2020.

Interpretation

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

“Charging point” means an installation adjacent to a parking bay for the purposes of recharging the battery of an electric vehicle by way of a connecting lead or plug.

“civil enforcement officer” means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein or a person employed as a Parking Attendant for the purposes of Section 63A of the Road Traffic Regulation Act 1984;

“Council” means Hampshire County Council or, as the case may be, Basingstoke and Deane Borough Council acting as Hampshire County Council’s agents;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the electric vehicle charging place;

“electric vehicle” means an automobile or motor-cycle that is powered entirely or partially (Hybrid) by electricity and is capable of being charged by an external source.

“electric vehicle charging place” means those lengths of road at which an electric vehicle only may wait and charge as specified in the Schedule to this Order which is indicated by surface markings and signage located within the boundaries of the parking places as either an electric vehicle rapid bay or electric vehicle standard bay, where a charging point is provided for the use of charging electric powered vehicles.

“goods” means goods of any kind whether animate or inanimate 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;

“motor-cycle” has the same meaning as that in S136 of the Act of 1984;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. 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 the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“passenger vehicle” means a motor vehicle (other than a motor-cycle) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“permitted hours” means the periods specified for each electric vehicle charging place during which waiting by vehicles of a specific class is permitted as specified in Schedule 1 to this order;

2. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.
3. 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.
4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked were Acts of Parliament thereby repealed.
5. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

SECTION 2 – ELECTRIC VEHICLE CHARGING PLACES

Limited Waiting Electric Vehicle Charging Places

6. Save as provided in Articles 8 and 9 no person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to wait on any electric vehicle charging place as specified in the Schedule to this order unless that vehicle is an electric vehicle and is connected to the charging point throughout the period within which it is parked in the electric vehicle charging place.
7. Save as provided in Articles 8 and 9 no person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to wait on any electric vehicle charging place for a period longer than the permitted hours as specified for each bay in Schedule 1 to this Order and shall not return during the specified period for each bay as detailed in Schedule 1 to this Order and as shown on the plan annexed to this Order.

Emergency Services

8. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any vehicle to wait on the electric vehicle charging places specified herein for so long as may be necessary to enable the vehicle to be used for fire and rescue, ambulance or police purposes:

General exemptions

9. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any vehicle to wait on the electric vehicle charging places specified herein for so long as may be necessary to enable:
 - (a) 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,
- (b) the vehicle, not being a passenger 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 that authority's statutory powers or duties;
 - (c) 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; or
 - (d) 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 his/her control.

General conditions in respect of Electric Vehicle Charging Places

Manner of standing in an Electric Vehicle Charging Place

10. Every vehicle left in an electric vehicle charging place in accordance with the foregoing provisions of this Order shall stand

so that every part of the vehicle is within the limits of the electric vehicle charging place as marked on the carriageway.

Alteration of position of a vehicle in an Electric Vehicle Charging Place

11. Where any vehicle is standing in an electric vehicle charging place in contravention of the provisions of the preceding Article, a civil enforcement officer or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in an Electric Vehicle Charging Place in an emergency

12. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in an electric vehicle charging place and shall provide for the safe custody of the vehicle.

Idling of Engine

13. The driver of a motor vehicle using an electric vehicle charging place shall stop the engine as soon as the vehicle is in position in the electric vehicle charging place, and shall not start the engine except when about to change the position of the vehicle within or to depart from the electric vehicle charging place.

Power to suspend Electric Vehicle Charging Place

14. (1) Any person duly authorised by the Council may suspend the use of an electric vehicle charging place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the electric vehicle charging place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the electric vehicle charging place, the laying, erection, alteration or repair in or adjacent to the electric vehicle charging place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience or occupiers of premises adjacent to the electric vehicle charging place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the electric vehicle

charging place from or to a depositary, another office or dwelling-house;

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the electric vehicle charging place at times of weddings or funerals, or on other special occasions.
- (2) A police officer in uniform may suspend for not longer than twenty-four hours the use of an electric vehicle charging place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer suspending the use of an electric vehicle charging place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that electric vehicle charging place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (4) 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.

No waiting in a suspended electric vehicle charging place

15. No person shall cause or permit a vehicle to wait in an electric vehicle charging place or any part thereof during which such period as the Council or a police officer has suspended that electric vehicle charging place or part thereof and exhibits notice of such suspension on or near that parking place.

Restrictions on the use of vehicles in an electric vehicle charging place

16. During the permitted hours no person shall use any electric vehicle charging place or any vehicle whilst it is in an electric vehicle charging place in connection with

the sale or offering or exposing for sale any goods to any person in or near the electric vehicle charging place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Placing of traffic signs etc.

17. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each electric vehicle charging place,
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such electric vehicle charging place may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of an electric vehicle charging place.

SECTION 3 - CONTRAVENTION OF ORDER

Contravention

18. If a vehicle is left in an electric vehicle charging place for longer than the permitted hours or returns within the hours as specified in Schedule 1 to this order 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

19. In the case of a 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 Traffic Management Act 2004.

Manner of payment of Penalty Charge

20. 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

21. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 19 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Removal of Vehicle

22. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 18
- 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 Road Traffic Regulation Act 1984 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

23. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 19, no person, not being the driver of 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

24. If a vehicle is left after a Penalty Charge has been incurred, a Civil Enforcement Officer in uniform or 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 Traffic Management Act 2004 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.

SECTION 4 - VALIDITY

25. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable; such declaration shall not invalidate the remainder of the Order.

SECTION 5 - REVOCATIONS

26. The Order detailed in Schedule 2 to this Order is hereby revoked to the extent detailed in that schedule.

THE COMMON SEAL of BASINGSTOKE)
AND DEANE BOROUGH COUNCIL was)
hereunto affixed this 27th day of)
August 2020 in)
the presence of:-

A. Jones



30 726

SCHEDULE 1

ELECTRIC VEHICLE CHARGING PLACES

<u>Situation of Parking place</u>	<u>Position in which Vehicles can park</u>	<u>Class of Vehicles</u>	<u>Days of operation</u>	<u>Charging Hours (parking fees)</u>	<u>Permitted Hours - Maximum period which vehicle may stay</u>
Feathers Yard	Wholly within those Electric Vehicle recharging bays indicated by surface markings for four hour charging and within the area outlined in blue on the attached plan and labelled Feathers Yard Car Park	Electric Vehicles	Monday to Sunday	None	4 hours No return within 4 hours
Feathers Yard	Wholly within those Electric Vehicle recharging bays indicated by surface markings for one hour charging and within the area outlined in blue on the attached plan and labelled Feathers Yard Car Park	Electric Vehicles	Monday to Sunday	None	1 hour No return within 1 hour

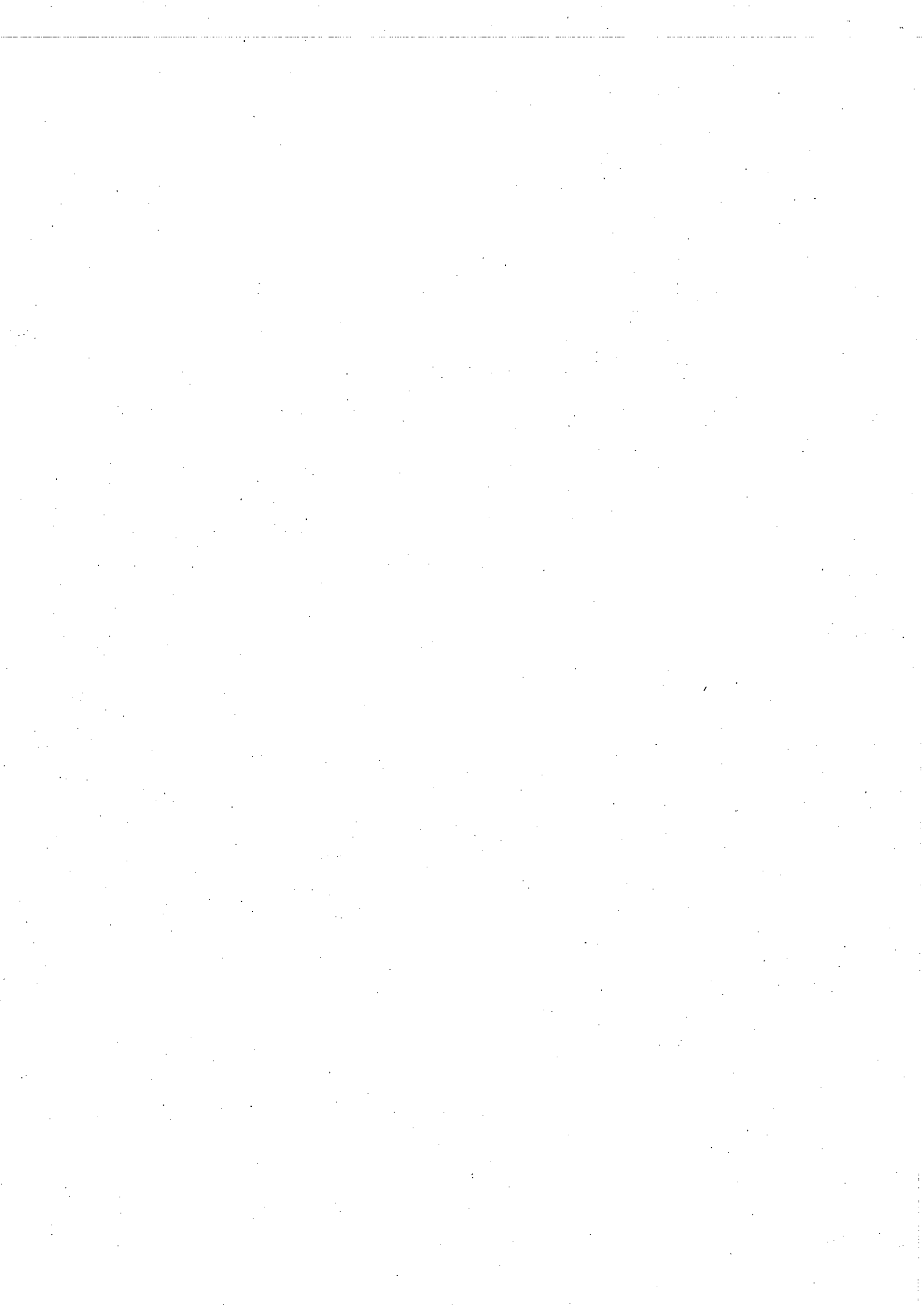
SCHEDULE 2

REVOCATIONS

The Basingstoke and Deane Borough Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation Order) 2018, and

The Basingstoke and Deane (Off Street Parking Places) Order 2019

in so far as they relate to those parts of Feathers Yard as more specifically identified outlined in blue on the plan annexed to this order.





**PROPOSED TRAFFIC ORDER
FEATHERS YARD**

Drawing Number
CD&R-09-03-EDP-35-01

Scale: NTS
N



Basingstoke and Deane

30726

Basingstoke and Deane Borough Council
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