

THE PORTSMOUTH CITY COUNCIL (EASTNEY ESPLANADE) (DISABLED PERSONS' PARKING PLACES AND AMENDMENT TO PAY AND DISPLAY) (NO. 125) ORDER 2019

The Portsmouth City Council (hereinafter referred to as "the council"), in exercise of the powers under Sections 1, 2, 4, 32, 35, 36, 45 and 46, and in accordance with Parts III and IV of the Road Traffic Regulation Act 1984 ("the 1984 Act"), as amended, the Traffic Management Act 2004 ("the 2004 Act"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations"), and of all other enabling powers, hereby makes the following Order:

1. (1) In this Order:

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000

"Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"Disabled Person's Badge" has the same meaning as in section 2 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

"Parking Permit" means a permit, issued by the Local Authority which allows the permit holder to park in one specific bay / parking place.

"Parking Place" and "Parking Bay" have the same meaning: the area for parking of disabled person's vehicles and indicated by markings on the surface of the road in accordance with "The Traffic Signs Regulations and General Directions 2016"

"Penalty Charge" means an additional parking charge set by the Council under the provisions of Section 78 the 2004 Act and has the same meaning as Section 2 of Part 1 of the 2007 Regulations;

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

"Permitted Hours" means at any time and without time limit

"Relevant Position" means

- (a) A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations
- (b) A vehicle displays a parking permit in the relevant position if –
 - (i) the parking permit is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or fascia, the parking permit is exhibited in a conspicuous position of the vehicle.

(2) 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.

- 2. The Orders specified in Schedule 1 shall have effect subject to the amendments specified in said Schedule.
- 3. No person shall, except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle other than a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge or relevant parking permit to wait in the parking place as described in Schedule 2.

4. In relation to the parking places described in Schedule 2;
 - (1) The class of vehicles permitted to use the authorised parking places are disabled persons vehicles which display in the relevant position a disabled persons badge or the relevant parking permit;
 - (2) The position in which vehicles may wait shall be parallel or angled to the kerb within the marked parking bays;
5.
 - (a) Any person authorised by the Council or a police constable in uniform may suspend the use of or any part of a Parking Place described in Schedule 2 whenever s/he considers such suspension reasonably necessary.
 - (b) Any person duly authorised by the Council may suspend the use of, or any part of, a Parking Place described in Schedule 2 for any civic event or similar occasion.
 - (c) Nothing in this Article shall render it unlawful to cause or permit a vehicle being used for Police, Fire and Rescue or Ambulance purposes or any vehicle so left in a Parking Place subject to a suspension if that vehicle is left with the permission of the person suspending the use of the or part of the Parking Place.
6. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the road, lengths of road and sides of lengths of road referred to therein for so long as may be reasonably necessary to enable:
 - (a) allow a person to board or alight from the vehicle;
 - (b) allow goods to be loaded on or unloaded from the vehicle;
 - (c) allow the vehicle, if it cannot conveniently be used for such purpose in any other road or place, to be used in connection with any of the following operations namely;
 - (i) Building, industrial or demolition operations;
 - (ii) The removal of any obstruction to traffic;
 - (iii) The maintenance, improvement or reconstruction of the said side or length of road;
 - (iv) The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road or any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (d) allow the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (e) enable a vehicle of (and bearing a livery used by) a universal service provider as defined by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in the Postal Services Act 2000;
 - (f) allow a vehicle to be used by a registered Medical Practitioner in the course of his or her professional duties;
 - (g) allow the vehicle to be used for fire and rescue, ambulance, police or coastguard purposes.
7. If a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act.
8. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.

9. This Order may be cited as The Portsmouth City Council (Eastney Esplanade) (Disabled Persons' Parking Places and Amendment to Pay and Display) (No. 125) Order 2019 and shall come into operation on the 29 January 2020.

SCHEDULE 1

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Consolidated) (On-street Parking Places and Restrictions on Waiting and Loading) (No. 1) Order 2019

a) Amend Item 1 of Schedule 99 (Pay and Display March to October 8am-6pm), relating to Eastney Esplanade to read:

1. EASTNEY ESPLANADE

The southeast side;

(a) from a point 67.3 metres south-west of its junction with Henderson Road in a south-westerly direction for a distance of 119 metres

(b) from a point 200 metres south-west of its junction with Henderson Road in a south-westerly direction for a distance of 449 metres

(c) from a point 204 metres north-east of the projected east side of St George's Road in a north-easterly direction for a distance of 277 metres

(d) from a point 95 metres north-east of the projected east side of St George's Road in a north-easterly direction for a distance of 88 metres

SCHEDULE 2

DISABLED PERSONS' PARKING PLACES

Lengths of Roads and Sides of Lengths of Roads

1. EASTNEY ESPLANADE

The south-east, from a point 186 metres south-west of its junction with Henderson Road in a south-westerly direction for a distance of 13.2 metres

Statement of Reasons for the Order

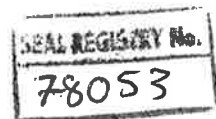
- For preserving or improving the amenities of the area through which the road runs, or
- For any of the purposes specified in s.87(1)(a-c) of the Environment Act 1995 (air quality).
- To designate disabled persons' parking bays for use by Blue Badge holders close to amenities, to improve access

Given under the Common Seal
of the Portsmouth City Council this 16th day of

January

2020.

**THE COMMON SEAL of THE PORTSMOUTH
CITY COUNCIL** was hereunto affixed in
pursuance of a resolution of the Council
passed at a meeting duly convened and held:)
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Authorised Signatory *IAN CLARK*