

## **THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING AND LOADING, AND AMENDMENTS) (NO.135) ORDER 2019**

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under sections 1, 2, 4, 32, 35, 36 and 45 of the Road Traffic Regulation Act 1984 ('the 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, and in accordance with Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

### **Citation**

1. This Order may be cited as The Portsmouth City Council (Various Roads) (Restrictions on Waiting Restrictions and Loading, and Amendments) (No.135) Order 2019 and shall come into operation on the 11 February 2020.

### **General**

2. (1) In this Order:

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

'Civil Enforcement Officer' means any person authorised by or on behalf of the council to supervise and control parking in the City of Portsmouth and to carry out such other functions as may be conferred by or under any enactment;

'Council' means Portsmouth City Council;

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

'Disabled Person's Vehicle' means a vehicle lawfully displaying a disabled person's badge;

'Owner' for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle;

"Parking Disc" means a disc issued by the Council, approximately 125 millimetres in diameter or square, coloured blue, and capable of showing the quarter hour period during which a period of waiting begins or other parking device issued by the Council;

'Penalty Charge' means an additional parking charge set by the council under the provisions of Section 78 of 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;

'Relevant Position' means;

- i) 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.
- ii) A vehicle displays a parking disc in the relevant position if –
  - a) the disc is exhibited on the dashboard or fascia of the vehicle; or
  - b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

'Traffic Sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2016 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act or Section 195(2) of the Road Traffic Act 1988;

- (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.

3. The Orders specified in Schedule 1 to this Order are hereby varied as specified in that Schedule.

### **Waiting and Loading restrictions**

4. No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to wait in the lengths of roads, and sides of lengths of roads specified in Schedule 2.
5. No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to load or unload in the length of road, and side of length of road specified in Schedule 3.
6. No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to wait on a Monday, Wednesday or Friday between the hours of 8am and 4pm in the lengths of roads, and sides of lengths of roads specified in Schedule 8.

### **Parking places**

7. No person shall cause or permit any vehicle to wait between the hours of 8am-9pm, Monday to Saturday in the roads, sides of roads and sides of lengths of roads specified in Schedule 4:
  - (i) For a period longer than 2 hours, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 4.
8. No person shall cause or permit any vehicle to wait between the hours of 8am and 6pm, Monday to Saturday in the roads, sides of roads and sides of lengths of road specified in Schedule 5 of this Order;
  - (a) for a period longer than 3 hours; or

- (b) if a period of less than 4 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle on those sides of roads or in those lengths of roads.
- 9. No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to wait between the hours of 8am and 12.30pm in the lengths of roads, and sides of lengths of roads specified in Schedule 6, except for the purposes of loading and unloading.
- 10. 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 7.

### **Exceptions**

- 11. Nothing in Article 4 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge and a Parking Disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in any of the roads, lengths of roads, sides of roads or sides of lengths of roads referred to in the said Articles for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side or length of road).
- 12. Nothing in Articles 4, 6, 7, 8, 9 and 10 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
  - (a) A person to board or alight from the vehicle;
  - (b) Goods to be loaded on or unloaded from the vehicle;
  - (c) 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, 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 of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
  - (d) 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) To enable a vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed 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 that Act
  - (f) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
  - (g) A vehicle to be used for fire and rescue, ambulance or police purposes.

13. Nothing in Article 5 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein 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, 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 of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
  - (b) To enable a vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed 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 that Act
  - (c) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
  - (d) A vehicle to be used for fire and rescue, ambulance or police purposes.
14. Nothing in Articles 6, 7, 8, 9 and 10 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge to wait in the roads, lengths of roads or sides of lengths of roads described in Schedules 4, 5, 6, 7 and 8.
15. (a) Nothing in Articles 7 to 10 inclusive shall restrict the power of any person duly authorised by the Council or a police constable in uniform to suspend the use of a Parking Place described in Schedules 4 to 7 inclusive or any part thereof whenever s/he considers such suspension reasonably necessary or for any civic event or similar occasion;
- (b) Any person suspending the use of or any part of a Parking Place in accordance with the provisions of Article (a) above, shall where reasonably practicable, place or cause to be placed in or adjacent to that Parking Place a traffic sign or signs indicating that waiting is prohibited.
- (c) No person shall cause or permit a vehicle to be left in any part of a Parking Place described in Schedules 4 to 7 inclusive during such period as there is in or adjacent to that part of the Parking Place a traffic sign placed under paragraph (b) of this Article.
- (d) 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.
16. Moving or Removal of Vehicles
- (a) In an emergency, a Civil Enforcement Officer or other person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a Parking Place as described in Schedules 4 to 7 inclusive or remove or arrange for the removal of a vehicle from a Parking Place.

- (b) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (a) of this Article or removing or causing the removal of a vehicle by virtue of paragraph (a) of this Article may do so by towing or driving the vehicle or in such other manner as is reasonable to alter the position of the vehicle or to remove the vehicle.
- (c) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (a) or (b) of this Article shall make such arrangements as are reasonable for the safety of the vehicle in the place to which it is removed

### **Penalty Charge**

- 17. A failure by any person to comply with any requirement of this Order shall be a contravention of this Order and a penalty charge shall be payable by the owner.
- 18. 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.

## **SCHEDULE 1**

### **AMENDMENTS TO EXISTING ORDERS**

#### **1. The Portsmouth City Council (Consolidation) (On–Street Parking Places and Restrictions on Waiting and Loading) (No.1) Order 2019**

- a)** Amend Item 356 (a) in Schedule 1 relating to double yellow lines in Dover Road to read:

The west side from its junction with Tangier Road in a northerly direction for a distance of 4 metres

- b)** Amend Items 1187 (a) and (b) in Schedule 1 relating to double yellow lines in Sultan Road to read:

(a) The east side from a point 75 metres north of its southern end in a north-easterly direction for a distance of 27 metres

(b) The west side from a point 103 metres north-east of its southern end, south-westwards for its entire length including its southern end and western turning head

- c)** Amend Item 107 (a) in Schedule 1 relating to double yellow lines in Billing Close to read:

The east side from its junction with Methuen Road in a southerly direction for a distance of 4 metres

- d)** Amend Item 486 (a) in Schedule 1 relating to double yellow lines in Gatcombe Avenue to read:

Both sides from its junction with Copnor Road in an easterly direction for a distance of 7 metres

- e)** Amend Item 911 (a) (ii) in Schedule 1 relating to double yellow lines in Ormsby Road to read:

from its junction with Nelson Road in a southerly direction for a distance of 13 metres

- f)** Delete Item 586 (a) (ii) and (c) in Schedule 1 relating to double yellow lines in Highbury Street

- g)** Amend Item 586 (b) (ii) in Schedule 1 relating to double yellow lines in Highbury Street to read:

from its junction with St Thomas's Street in a northerly direction for a distance of 5 metres

**2. The Portsmouth City Council (MD Zone: Kings Area) (Residents' Parking Places and Waiting Restrictions) (No.15) Order 2019**

- a)** Amend Item 21 (b) (vi) in Schedule relating to an MD permit holders bay on the east side of Napier Road to read:

from a point 3 metres north of its junction with Collingwood Road in a northerly direction for a distance of 20 metres

- b)** Amend Item 23 (a) in Schedule 3 relating to an MD permit holders bay on the east side of Ormsby Road to read:

from a point 13 metres south of its junction with Nelson Road in a southerly direction for a distance of 8 metres

**3. The Portsmouth City Council (Various Roads) (Waiting Restrictions, Parking Places and Amendments) (No.87) Order 2019**

- a)** Amend Item 1 in Schedule 4 relating to Albert Road, Southsea, to read:

from a point 19 metres west of its junction with Oxford Road to a point 9 metres east of its junction with Goodwood Road

- b)** Amend Item 5 in Schedule 1 relating to Lealand Road to read:

The west side from a point 101 metres south of its junction with Central Road in a southerly direction for a distance of 13 metres

**4. The Portsmouth City Council (Various Roads) (Residents Parking Places) (No. 9) Consolidation Order 2016**

- a)** Amend Item 6 (a) (iii) of 4.GA FRATTON in Schedule 3 relating to a parking bay in Byerley Road to read:

The west side from a point 5 metres south of its junction with Newcome Road to a point 3 metres north of its junction with Proctor Lane

## **SCHEDULE 2**

### **PROHIBITION OF WAITING AT ANY TIME**

#### **Lengths of Roads and Sides of Lengths of Roads**

##### **1. BYERLEY ROAD**

The west side from its junction with Proctor Lane in a northerly direction for a distance of 3 metres

##### **2. CHURCH ROAD**

The north side from a point 4 metres west of its junction with Clarendon Street to a point 4 metres east of that junction

##### **3. CLARENDON STREET**

- (a) The west side from its junction with Church Road in a northerly direction for a distance of 5 metres
- (b) The east side from its junction with Church Road in a northerly direction for a distance of 18 metres

##### **4. HAMILTON ROAD**

The northeast side from a point 37 metres north-west of its junction with Worthing Road in a north-westerly direction for a distance of 7 metres

##### **5. HIGH STREET, OLD PORTSMOUTH**

The southeast side;

- (a) from a point 41 metres north-east of its junction with Grand Parade in a north-easterly direction for a distance of 6 metres
- (b) from a point 56 metres south-west of its junction with Pembroke Road in a south-westerly direction for a distance of 4 metres

##### **6. KAREN AVENUE**

Both sides from its junction with Lower Drayton Lane in an easterly direction for a distance of 3 metres

##### **7. LIME GROVE**

The west side from its junction with the garages access road by No.1 in a northerly direction for a distance of 3 metres

##### **8. LOWER DRAYTON LANE**

The east side from a point 5 metres north of its junction with Karen Avenue to a point 5 metres south of that junction

##### **9. SHORE AVENUE**

The east side from the projected south side of Salterns Avenue in a northerly direction for a distance of 39 metres



## **SCHEDULE 3**

### **NO LOADING 7AM-7PM**

Length of Road and Side of Length of Road

#### **1. SEVENOAKS ROAD**

The west side from its junction with Ashford Close in a northerly direction for a distance of 34 metres

## **SCHEDULE 4**

**WAITING LIMITED TO 2 HOURS, NO RETURN WITHIN 1 HOUR**  
**MONDAY TO SATURDAY 8AM-9PM**

Length of Road and Side of Length of Road

### **1. NAPIER ROAD**

The east side from a point 9 metres south of its junction with Albert Road in a southerly direction for a distance of 20 metres

## **SCHEDULE 5**

### **WAITING LIMITED TO 2 HOURS, NO RETURN WITHIN 1 HOUR** **MONDAY TO SATURDAY 8AM-6PM**

Length of Road and Side of Length of Road

#### **1. HASLEMERE ROAD**

The west side from a point 3 metres north of its junction with Mafeking Road in a northerly direction for a distance of 10 metres

## **SCHEDULE 6**

### **LOADING ONLY**

### **MONDAY TO FRIDAY 8AM-12.30PM**

Length of Road and Side of Length of Road

#### **1. HASLEMERE ROAD**

The west side from a point 8 metres south of the projected south side of St Ann's Road in a southerly direction for a distance of 12 metres

## **SCHEDULE 7**

### **DISABLED PERSONS' PARKING PLACES**

#### **MONDAY TO SATURDAY 8.30AM-5.30PM**

Length of Road and Side of Length of Road

##### **1. LOWER DRAYTON LANE**

The west side from a point 5 metres south of the projected south side of Aldsworth Close in a southerly direction for a distance of 9 metres

## **SCHEDULE 8**

### **NO WAITING**

### **MONDAY, WEDNESDAY AND FRIDAY 8AM-4PM**

Length of Road and Side of Length of Road

#### **1. GATCOMBE AVENUE**

The north side from a point 7 metres east of its junction with Copnor Road in an easterly direction for a distance of 17 metres

**STATEMENT OF REASONS FOR THE ORDER**

- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising, or
- For preventing damage to the road or to any building on or near the road, or
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- 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 address parking/traffic issues in various roads citywide, in response to concerns and/or requests from residents, ward councillors, public services, businesses, etc.

Reasons include:

- to improve road safety, pedestrian safety, visibility and management of traffic, ensure access for the emergency services, public services (particularly refuse collection vehicles) and delivery vehicles
- To amend/remove/reduce parking restrictions to accommodate changing local needs and to ensure the most effective and appropriate use of the public highway
- To manage parking congestion

Given under the Common Seal  
of the Portsmouth City Council this

30<sup>th</sup> 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: )

  
.....  
Authorised Signatory

IAN CLARK



