

THE PORTSMOUTH CITY COUNCIL (PALMERSTON ROAD AND OSBORNE ROAD AREA) (TRAFFIC AND PARKING RESTRICTIONS AND AMENDMENTS) (NO 19) ORDER 2016

The Portsmouth City Council (hereinafter referred to as 'the Council'), in exercise of the powers under Sections 1-4, 32, 35, and 36 of the Road Traffic Regulation Act 1984 ('the Act'), as amended by the Road Traffic Act 1991 ("the 1991 Act"), the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the Traffic Management Act 2004 ("the 2004 Act"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations"), Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, and 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 makes the following Order:-

1. (1) In this Order:

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

'bus' has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 "the 2002 Regulations";

'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;

'driver', in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

'motorcycle' means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

'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 bay' means any area of a parking place which is provided for the leaving of a vehicle and which is indicated by markings on the surface of the parking place;

'parking place' means any part of a road authorised by this order to be used as a parking place;

'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

- (a) in the case of a vehicle fitted with a front windscreen, the permit or ticket is exhibited thereon on the near side and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
- (b) in the case of a vehicle not fitted with a front windscreen, the permit or ticket exhibited in a conspicuous position on the vehicle;

'traffic sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2002 (2002 Regulations) 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;

'2002 Regulations' means the Traffic Signs Regulations and General Directions Order 2002 as amended.

- (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 below the said Orders in the said Schedule.
 3. Save as provided in Articles 5 and 15, no person shall cause or permit any vehicle to proceed in relation to the road specified in Schedule 2 as described in the said Schedule.
 4. Save as provided in Articles 5 and 15, no person shall cause or permit any vehicle to proceed in the road and length of road specified in Schedule 3 in a direction other than that specified in the said Schedule.
 5. Nothing in Articles 3 and 4 shall apply to a mechanical road cleansing vehicle.
 6. Save as provided in Article 15, no person shall cause or permit any vehicle to wait in the lengths of road and sides of lengths of road specified in Schedule 4 except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, or where a sign authorises waiting.
 7. Save as provided in Articles 14 and 16 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 8pm in the length of road and side of length of road specified in Schedule 5:
 - (a) for a longer period than 20 minutes, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 5.

8. Save as provided in Articles 14 and 16 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 11am and 6pm in the length of road and side of length of road specified in Schedule 6:
 - (a) for a longer period than 20 minutes, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 6.
9. Save as provided in Articles 14 and 16, no person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to wait between the hours of 7am and 11am in the lengths of road and sides of lengths of road specified in Schedule 7, except for purposes of loading or unloading.
10. Save as provided in Article 15, no person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to stop or wait in the lengths of road and sides of lengths of road specified in Schedule 8.
11. Save as provided in Article 15, no person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to wait between the hours of 8pm-midnight and midnight-7am in the lengths of road and sides of lengths of road specified in Schedule 9, except if that vehicle is a taxi.
12. Save as provided in Articles 14 and 16, 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 bay or place as described in Schedule 10, between the hours of 8am to 6pm
 - (a) for a longer period than 2 hours, or return by that vehicle within 4 hours of leaving to any length of road specified in Schedule 10.
13. Each of the parts of a road specified in Schedule 11 is authorised to be used as a Parking Place during such hours as are specified in that Schedule subject to the following provisions:
 - (a) Where in Schedule 11 a Parking Place is specified, no person shall cause or permit a vehicle to wait in that Parking Place unless it is displaying in the Relevant Position a valid Permit issued in respect of that vehicle;
 - (b) No person shall use a Parking Place described in Schedule 11 if the use of that Parking Place has been suspended in accordance with Article 16 below.
 - (c) Where a Permit has been displayed on a vehicle in accordance with paragraph (b) of this Article, no person, other than the Driver of the vehicle shall remove the Permit from the vehicle unless authorised to do so by the Owner.

14. Nothing in Articles 7, 8, 9, 12 and 13 shall render it unlawful to cause or permit any vehicle to wait in the roads, lengths of roads, sides of roads or sides of lengths of roads, referred to in those Articles for so long as may be reasonably 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 obstructions to traffic,
 - (iii) The maintenance, improvement or reconstruction of the said side or the length of road,
 - (iv) The laying, erection, alteration, repair or servicing 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 or her professional duties,
 - (g) the vehicle to be used for Police, Fire and Rescue, Ambulance purposes.
15. Nothing in Articles 3, 4, 6, 10, and 11 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) The vehicle to be used for Police, Fire and Rescue or Ambulance purposes.
16. Suspension of Parking Places:
- (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 Schedules 5, 6, 7, 9, 10, 11 and 12 for any civic event or similar occasion or whenever s/he considers such suspension reasonably necessary.
 - (b) Nothing in this Article shall render it unlawful to cause or permit a vehicle being used for Police, Fire and Rescue, Coastguard 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.
17. 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.

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 enactment.
19. This Order may be cited as The Portsmouth City Council (Palmerston Road and Osborne Road area) (Traffic and Parking Restrictions and Amendments) (No 16) Order 2016 and shall come into operation on 24 March 2016.

SCHEDULE 1

(See Article 2)

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Palmerston Road and Osborne Road Area) (Traffic and Parking Restrictions and Amendments) (No.10a) Experimental Order 2014

a) This order is revoked in full.

2. The Portsmouth City Council (Consolidated) (On-Street Parking and Restrictions on Waiting and Loading) (No.6) Order 2015

a) Amend Item 11 in Schedule 29 relating to Osborne Road to read:

The north side from a point 45 metres east of its junction with Portland Road in an easterly direction for a distance of 20 metres

b) Amend Item 907 (b) (ii) in Schedule 1 relating to Palmerston Road to read:

(ii) from its junction with Clarence Parade in a northerly direction for a distance of 12 metres

(iii) from a point 16 metres north of its junction with Auckland Road West to a point 10 metres south of that junction

(iv) from a point 36 metres north of its junction with Auckland Road West in a northerly direction for a distance of 23 metres

c) Amend Item 8 in Schedule 61 relating to Clarendon Road to read:

from a point 27 metres north-west of its junction with The Vale in a north-westerly direction for a distance of 19 metres

d) Amend Item 14 in Schedule 2 relating to Clarendon Road to read:

The southwest side from a point 27 metres north-west of its junction with The Vale to its junction with The Circle

e) Amend Items 895 (b) (ii) and (iii) in Schedule 1 relating to Osborne Road to read:

(ii) from a point 13 metres east of its junction with Clifton Road to a point 8 metres west of its junction with Netley Road

(iii) from a point 30 metres east of its junction with Ashby Place to its junction with Palmerston Road

f) Amend Item 35 in Schedule 75 relating to Osborne Road to read:

(a) from a point 21 metres west of its junction with Clifton Road in a westerly direction for a distance of 51 metres

(b) from a point 8 metres east of its junction with Netley Road to a point 24 metres west of its junction with Ashby Place

g) Delete Item 3 in Schedule 75 relating to Ashburton Road.

h) Delete Item 1 in Schedule 7 relating to Palmerston Road

**3. The Portsmouth City Council (Consolidated) (Residents' Parking Places) (No.32)
Order 2012**

a) Amend Item 1 (a) (ii) of 1. KC WEST SOUTHSEA in Schedule 4 to read:

The east side from a point 19 metres north of its junction with Osborne Road in a northerly direction for a distance of 33 metres

SCHEDULE 2
(See Article 3)

PROHIBITION OF ENTRY (EXCEPT CYCLES)

1. PALMERSTON ROAD

Southbound from the junction of Clarendon Road and Osborne Road.

SCHEDULE 3
(See Article 4)

ONE WAY TRAFFIC
Road and Length of Road

1. PALMERSTON ROAD

Northbound between the junctions of Villiers Road and Clarendon Road / Osborne Road.

SCHEDULE 4
(See Article 6)

RESTRICTED PARKING ZONE
NO WAITING AT ANY TIME EXCEPT WITHIN SIGNED BAYS

Road and Length of Road

1. PALMERSTON ROAD

- (a) The west side between the junctions of Villiers Road and Osborne Road
- (b) The east side between the junctions of Villiers Road and Clarendon Road

SCHEDULE 5

(See Article 7)

WAITING LIMITED TO 20 MINUTES. NO RETURN WITHIN 1 HOUR

8AM – 8PM

Lengths of Road and Side of Lengths of Road

1. PALMERSTON ROAD

- (a) The west side;
- (i) from a point 16 metres north of its junction with Auckland Road West in a northerly direction for a distance of 20 metres
- (ii) from a point 10 metres south of its junction with Auckland Road West in a southerly direction for a distance of 20 metres

SCHEDULE 6

(See Article 8)

WAITING LIMITED TO 20 MINUTES. NO RETURN WITHIN 1 HOUR

11AM - 6PM

Lengths of Road and Side of Lengths of Road

1. PALMERSTON ROAD

The east side;

- (a) from a point 14 metres north of its junction with Villiers Road in a northerly direction for a distance of 22 metres
- (b) from a point 38 metres north of its junction with Villiers Road in a northerly direction for a distance of 13 metres
- (c) from a point 23 metres south of its junction with Clarendon Road in a southerly direction for a distance of 17 metres

SCHEDULE 7

(See Article 9)

LOADING ONLY 7AM - 11AM

Lengths of Road and Side of Lengths of Road

1. PALMERSTON ROAD

The east side;

- (a) from a point 14 metres north of its junction with Villiers Road in a northerly direction for a distance of 22 metres
- (b) from a point 38 metres north of its junction with Villiers Road in a northerly direction for a distance of 13 metres
- (c) from a point 23 metres south of its junction with Clarendon Road in a southerly direction for a distance of 17 metres

SCHEDULE 8
(See Article 10)

NO WAITING AND NO LOADING AT ANY TIME

Lengths of Road and Side of Lengths of Road

1. OSBORNE ROAD

The south side;

- (a) from a point 14 metres west of its junction with Clifton Road to a point 13 metres east of that junction
- (b) from a point 8 metres west of its junction with Netley Road to a point 8 metres east of that junction
- (c) from its junction with Ashby Place in a westerly direction for a distance of 12 metres

SCHEDULE 9
(See Article 11)

NO WAITING EXCEPT TAXIS 8PM-MIDNIGHT and MIDNIGHT-7AM

Lengths of Road and Side of Lengths of Road

1. PALMERSTON ROAD

The east side;

- (a) from a point 14 metres north of its junction with Villiers Road in a northerly direction for a distance of 22 metres
- (b) from a point 38 metres north of its junction with Villiers Road in a northerly direction for a distance of 13 metres
- (c) from a point 23 metres south of its junction with Clarendon Road in a southerly direction for a distance of 17 metres

SCHEDULE 10

(See Article 12)

DISABLED PERSONS' PARKING PLACES

WAITING LIMITED TO 2 HOURS, NO RETURN WITHIN 4 HOURS 8AM - 6PM

Lengths of Road and Side of Lengths of Road

1. OSBORNE ROAD

The south side;

- (a) from a point 14 metres west of its junction with Clifton Road in a westerly direction for a distance of 7 metres
- (b) from a point 12 metres west of its junction with Ashby Place in a westerly direction for a distance of 13 metres

SCHEDULE 11
(See Article 13)

DOCTORS ONLY

MONDAY - SATURDAY 8AM - 6PM

Length of Road and Side of Length of Road

1. ASHBURTON ROAD

The east side from a point 4 metres north of its junction with Osborne Road in a northerly direction for a distance of 15 metres

CITY COUNCIL'S REASONS FOR MAKING THE ORDER

This Order makes permanent the provisions of ETRO 10a/2014, which amended the parking and traffic arrangements in the vicinity of the southern section of Palmerston Road, and enabled one-way traffic to use Palmerston Road (south) in a northbound direction. The overall purpose is to enhance the pedestrian environment and the connection between town centre and seafront with widened footways and features such as planters, whilst including additional on-street parking, disabled bays, provisions for loading and taxis, and improved bus stop facilities.

Given under the Common Seal
of the Portsmouth City Council this 10th day of March 2016.

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:-)


Authorized Signatory

IAN CLARK

