

THE PORTSMOUTH CITY COUNCIL (MOBILE LIBRARY) (PARKING PLACES AND AMENDMENTS) (NO.45) ORDER 2019

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 32, 35 and 36 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 after consultation with the Chief Officer of Police for the County of Hampshire in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

GENERAL

1. (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;

'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;

'ML Permit' means a permit authorised and issued by the Council under the provisions of or relating to this Order, for use in the mobile library vehicle only;

'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 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;

'Parking Place' means any part of the highway designated by this Order to be used as a place to park a vehicle;

'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;

"Permit Holder" means a person or organisation to whom or to which a Permit has been issued

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

'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.

2. The Orders specified in Schedule 1 shall have effect subject to the amendments specified below the said Orders of the said Schedule.

PARKING PLACES

Parking Permits

3. Each of the parts of a road specified in Schedules 2 to 6 is authorised to be used as a Parking Place during such hours as are specified in those Schedules subject to the following provisions:
 - (a) Where in Schedules 2 to 6 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 Schedules 2 to 6 if the use of that Parking Place has been suspended in accordance with Article 6 below.

- (c) Where a Permit has been displayed on a vehicle in accordance with paragraph (a) 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.

Waiting Limited

4. No person shall cause or permit any vehicle to wait between the hours of 8am and 6pm Tuesday to Saturday in the road, length of road, side of road and side of length of road specified in Schedule 7:

- (i) for a period longer than 1 hour, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 7;

5. No person shall cause or permit any vehicle to wait between the hours of 8am and 6pm Monday to Tuesday or between 8am and 6pm on Thursdays or between 8am and 6pm on Saturdays in the roads, lengths of roads, sides of roads and sides of lengths of roads specified in Schedule 8:

- (i) for a period longer than 1 hour, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 8.

6. 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 2 to 8 for any civic event or similar occasion or whenever s/he considers such suspension reasonably necessary;
- (b) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that Parking Place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited;
- (c) Nothing in this Article shall render it unlawful to cause or permit a vehicle being used for Police, Fire Brigade, 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.

7. 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 3 to 9 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 paragraphs (b) or (c) 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 (b) or (c) of this Article shall make such arrangements as are reasonable for the safety of the vehicle in the place to which it is removed.

Exceptions

- 8. Nothing in Articles 3 to 5 shall prevent any vehicle to wait, other than within a Parking Place or part thereof the use of which has been suspended, to reasonably;
 - 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.
- 9. Nothing in Articles 4 and 5 shall apply to a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge to wait in any of the roads, lengths of roads, sides of roads or sides of lengths of roads referred to in Schedules 7 and 8.
- 10. 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.
- 11. 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.
- 12. This Order may be cited as The Portsmouth City Council (Mobile Library) (Parking Places and Amendments) (No.45) Order 2019 and shall come into operation on the 29 May 2019.

SCHEDULE 1

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Various Roads) (Waiting Restrictions and Amendments to Waiting Restrictions) (No.14) Order 2014

- (a) Delete the whole order

SCHEDULE 2

ML PERMIT HOLDERS ONLY

MONDAY 9AM - 1PM

Length of Road and Side of Length of Road

1. DRAYTON LANE

The east side from a point 10 metres north of its junction with Havant Road in a northerly direction for a distance of 20 metres

SCHEDULE 3

ML PERMIT HOLDERS ONLY

WEDNESDAY 1PM - 5PM and FRIDAY 9.30AM-12.30PM

Length of Road and Side of Length of Road

1. MAYFIELD ROAD

The south side from a point 8 metres west of its junction with Copnor Road in a westerly direction for a distance of 20 metres

SCHEDULE 4

ML PERMIT HOLDERS ONLY

MONDAY 1PM - 5PM

Length of Roads and Side of Length of Roads

1. LUDLOW ROAD

The north side from a point 10 metres east of its junction with Blakemere Crescent in an easterly direction for a distance of 20 metres

SCHEDULE 5

ML PERMIT HOLDERS ONLY

TUESDAY 1PM - 5PM

Length of Road and Side of Length of Road

1. FORT CUMBERLAND ROAD

The south side, within the first layby east of Henderson Road

SCHEDULE 6

ML PERMIT HOLDERS ONLY

WEDNESDAY 9AM - 1PM

Length of Road and Side of Length of Road

1. LONDON ROAD, HILSEA

The west side from opposite the north side of Amberley Road in a northerly direction for a distance of 20 metres

SCHEDULE 7

WAITING LIMITED TO 1 HOUR, NO RETURN WITHIN 1 HOUR

TUESDAY TO SATURDAY 8AM - 6PM

Length of Road and Side of Length of Road

1. DRAYTON LANE

The east side from a point 10 metres north of its junction with Havant Road in a northerly direction for a distance of 20 metres

SCHEDULE 8

WAITING LIMITED TO 1 HOUR, NO RETURN WITHIN 1 HOUR

MONDAY - TUESDAY 8AM - 6PM, THURSDAY 8AM - 6PM AND SATURDAY 8AM - 6PM

Length of Road and Side of Length of Road

1. MAYFIELD ROAD

The south side from a point 8 metres west of its junction with Copnor Road in a westerly direction for a distance of 20 metres

City Council's 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, and;
- To make amendments to the operating times of designated parking bays in place to accommodate the mobile library service and to accommodate the library vehicle. Separate arrangements have been made for off-street locations (supermarket car parks, for example).

Given under the Common Seal of the Portsmouth City Council this 16th day of May 2019.

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

