

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING AND AMENDMENTS) (NO.70) ORDER 2016

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under Sections 1 - 4, 32, 35, 36, 45 and 53 of the Road Traffic Regulation Act 1984 (‘the Act’), as amended by the Road Traffic Act 1991 (“the 1991 Act”), 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:

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 Schedule 1 of Regulation 2 of the Traffic Signs Regulations and General Directions 2016 “the 2016 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 unladen weight of which 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 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 noticed 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” means a permit authorised and issued by the Council under the provisions of or relating to this Order;

“permit holder” means a person or organisation to whom or to which a Permit has been issued;

‘relevant position’ means

- (a) a disabled person's badge displayed in the manner prescribed by regulation 12 of the Badges Regulations;
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle, or
 - (ii) 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.
3. Save as provided in Articles 7 and 8 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.
4. Save as provided in Articles 7 and 8, no person shall cause or permit any vehicle to wait between the hours of 8am-6pm in the road, length of road, side of road and side of length of road specified in Schedule 3.
5. Save as provided in Article 8, 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 Persons' Vehicle which displays in the relevant position a Disabled Persons' Badge, to wait in the length of road and side of length of road specified in Schedule 4, in the spaces specifically designated for Disabled Persons' Vehicles and marked as such on the carriageway.
6. Save as provided in Article 8, 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 in the length of road and side of length of road specified in Schedule 5 between the hours of 8am and 6pm, except for purposes of loading or unloading.
7. Nothing in Articles 3 and 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).

8. Nothing in Articles 3, 4, 5 and 6 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.
9. (1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place specified in Schedule 4 or any part thereof whenever he/she considers such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety,
 - (b) for;
 - (i) the purpose of any building operation, demolition, or excavation adjacent to the Parking Place,
 - (ii) the maintenance, improvement, or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place,
 - (iii) the laying, erection, alteration, or repair in or adjacent to the Parking Place of any sewer or of any main pipe or apparatus for the supply of gas, water, or electricity, or of any telecommunication system, or
 - (iv) the placing, maintenance, or removal of any traffic sign,
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-place adjacent to the parking place from or to a depository or another office or dwelling-place,
 - (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed, or

- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions.
 - (2) 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.
 - (3) 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
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 (Various Roads) (Restrictions on Waiting and Amendments) (No.70) Order 2016 and shall come into operation on the 1 December 2016.

SCHEDULE 1

(See Article 2)

AMENDMENTS TO EXISTING ORDERS

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

a) Delete Item 200 (a) (i) in Schedule 1 relating to Cedar Grove.

b) Amend Item 718 (a) (v) in Schedule 1 relating to London Road to read:

from a point 25 metres south of its junction with Doyle Avenue to a point 29 metres north of that junction

c) Amend Items 831 (b) and (c) in Schedule 1 relating to Nelson Road to read:

(b) The southwest side from a point 4 metres north-west of its junction with Merton Road to a point 13 metres south-east of that junction

(c) The northeast side from a point 11 metres north-west of its junction with Merton Road to a point 8 metres south-east of that junction

d) Amend Item 46 in Schedule 88 relating to Upper Arundel Street to read:

The southwest side;

(a) from a point 6 metres north-west of its junction with Bridport Street in a north-westerly direction for a distance of 17 metres

(b) from a point 38 metres north-west of its junction with Bridport Street to a point 9 metres south-east of its junction with East Surrey Street

(c) from its junction with Arundel Street to a point 9 metres north of its junction with East Surrey Street

e) Amend Item 652 (a) (ii) in Schedule 1 relating to Kingston Road to read:

(ii) from a point 57 metres north of its junction with New Road to a point 22 metres south of that junction

f) Amend Items 19 (f) and (g) in Schedule 75 relating to Kingston Road to read:

(f) from a point 22 metres south of its junction with New Road in a southerly direction for a distance of 20 metres

(g) from a point 3 metres north of its junction with Little George Street in a northerly direction for a distance of 18 metres

(h) from a point 1 metre south of its junction with Little George Street in a southerly direction for a distance of 20 metres

g) Amend Item 45 (a) in schedule 75 relating to Tangier Road to read:

(a) The northeast side;

- (i) from a point 3 metres south-east of its junction with Ripley Grove in a south-easterly direction for a distance of 10 metres
- (ii) from a point 16 metres north-west of its junction with Idsworth Road in a north-westerly direction for a distance of 4 metres

h) Amend Item 1174 (a) (ii) in Schedule 1 relating to Tangier Road to read:

from a point 3 metres west of its junction with Idsworth Road to its junction with Silchester Road

i) Amend Item 922 (b) (iii) in Schedule 1 relating to Pelham Road to read:

from a point 31 metres south of its junction with Elm Grove in a southerly direction for a distance of 20 metres

j) Amend Item 49 (b) in Schedule 88 relating to Western Parade to read:

(b) The west side;

- (i) from a point 25 metres south of its junction with Southsea Terrace in a southerly direction for a distance of 53 metres
- (ii) from a point 85 metres south of its junction with Southsea Terrace to a point 21 metres north of its junction with Duisburg Way

k) Amend Item 381 (c) in Schedule 1 relating to Eastney Road to read:

(c) The west side;

- (i) from a point 12 metres north of its junction with Middlesex Road to a point 25 metres north of its junction with Devonshire Avenue
- (ii) from its junction with Devonshire Avenue to its junction with Highland Road

l) Delete Item 943 (c) (ii) in Schedule 1 relating to Pitcroft Road

m) Amend Item 1268 (b) (i) in Schedule 1 relating to Western Parade to read:

from its junction with Clarence Parade in a northerly direction for a distance of 27 metres

n) Amend Item 49 (a) in Schedule 88 relating to Western Parade to read:

from a point 12 metres south of its junction with Kent Road to a point 27 metres north of its junction with Clarence Parade

2. The Portsmouth City Council (Palmerston Road and Osborne Road Area) (Traffic and Parking Restrictions and Amendments) (No.19) Order 2016

a) Delete Item 1 (a) (i) in Schedule 5 relating to Palmerston Road.

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

a) Amend Item 15 (c) (ii) and (d) of 14.FD BEVIS ROAD AREA in Schedule 3 relating to Pitcroft Road to read:

- (ii) from its junction with Derby Road in a southerly direction for a distance of 30 metres**
- (d) The east side from a point 4 metres north of its junction with the west-east section to a point 1 metre south of its junction with Derby Road**

SCHEDULE 2

(See Article 3)

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. BOUNDARY WAY

- (a) The northwest and south sides from a point 24 metres north-east of its junction with London Road (A3) link road in a north-easterly and north-westerly direction for a distance of 50 metres
- (b) The southeast and northeast sides from its junction with London Road (A3) link road in a north-easterly and north-westerly direction for a distance of 63 metres
- (c) The west side from its junction with London Road (A3) link road in a northerly direction for a distance of 11 metres

2. CEDAR GROVE

- (a) The northeast side from its junction with Ebery Grove in a north-westerly direction for a distance of 2 metres
- (b) The southwest side from its junction with Ebery Grove in a north-westerly direction for a distance of 7 metres

3. COMPASS ROAD

Both sides from its junction with Southampton Road southwards to the roundabout.

4. GOFTON AVENUE

Both sides from its junction with Court Lane in an easterly direction for a distance of 5 metres

5. LOCKSWAY ROAD

The north side from a point 71 metres west of the projected west side of Waterlock Gardens, in a westerly direction for a distance of 8 metres

6. LONDON ROAD (A3)

- (a) The north side of the link road from its junction with London Road in a south-westerly direction for a distance of 30 metres
- (b) The north side from the Portsbridge car park entrance in an easterly direction for a distance of 7 metres

7. PITCROFT ROAD

The east side from its junction with Derby Road in a southerly direction for a distance of 1 metre

8. UPPER ARUNDEL STREET

The southwest side from a point 23 metres north-west of its junction with Bridport Street in a north-westerly direction for a distance of 15 metres

9. WIMPOLE STREET

- (a) The northwest side of the central island's south-eastern corner: a 10-metre length
- (b) The northeast side of the central island's south-western corner: an 8-metre length

- (c) The southwest side from a point 64 metres north of its junction with Coburg Street in a north-westerly direction for a distance of 8 metres

SCHEDULE 3

(See Article 4)

NO WAITING 8AM - 6PM

Length of Road and Side of Length of Road

1. TANGIER ROAD

The north side from a point 3 metres west of its junction with Idsworth Road in a north-westerly direction for a distance of 13 metres

SCHEDULE 4
(See Article 5)

DISABLED PERSONS PARKING PLACES

1. WESTERN PARADE

The west side from a point 78 metres south of its junction with Southsea Terrace in a southerly direction for a distance of 8 metres (echelon parking arrangement).

SCHEDULE 5
(See Article 6)

LOADING ONLY

1. PALMERSTON ROAD

The west side from a point 16 metres north of its junction with Auckland Road West in a northerly 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, or
- For any of the purposes specified in s.87(1)(a-c) of the Environment Act 1995 (air quality).

Given under the Common Seal
of the Portsmouth City Council this 17th day of November 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:)



.....
Authorised Signatory

SEAL REGISTRY No.
75648

