

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (WAITING RESTRICTIONS, AND AMENDMENTS) (NO.78B) ORDER 2018

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under sections 1 – 4 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:

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;

'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 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

'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 5 and 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 in the lengths of roads, and sides of lengths of roads specified in Schedule 2.
- 4. Save as provided in Article 6, each of the parts of the road specified in Schedule 3 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 3 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 3 if the use of that Parking Place has been suspended in accordance with Article 7 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.
- 5. Nothing in Article 3 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).

6. Nothing in Articles 3 and 4 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.
7.
 - (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 3 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 & 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.
8. 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.
9. 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.
10. This Order may be cited as The Portsmouth City Council (Various Roads) (Waiting Restrictions, and Amendments) (No.78B) Order 2018 and shall come into operation on the 11 February 2019.

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) Amend Items 1042 (d) and (e) in Schedule 1 relating to St George's Road, Eastney, to read:

(d) The east side from a point 30 metres north of its junction with Marine Court to its junction with Eastney Esplanade

(e) The west side;

(i) from a point 3 metres north of its junction with Festing Grove to a point 3 metres south of that junction

(ii) from a point 5 metres north of its junction with Selsey Avenue to its junction with Eastney Esplanade

SCHEDULE 2
(See Article 3)

PROHIBITION OF WAITING AT ANY TIME
Length of Road and Side of Length of Road

1. ST PETER'S GROVE

The east side from a point 22 metres north of its junction with Elm Grove in a northerly direction for a distance of 7 metres

SCHEDULE 3

(See Article 4)

DOCTOR PERMIT HOLDERS ONLY

MONDAY - FRIDAY 8AM-6PM

Length of Road and Side of Length of Road

1. HERBERT ROAD

The south side from a point 10.5 metres east of its junction with Waverley Road in an easterly direction for a distance of 5.5 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).
- 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

Given under the Common Seal of the Portsmouth City Council this *30th* day of *January* 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:)



[Handwritten signature]
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Authorised Signatory
IAN CLARK