

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (WAITING RESTRICTIONS, PARKING PLACES AND AMENDMENTS) (NO.87) ORDER 2019

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under sections 1 – 4, 32, 35, 36, 45, 51, 52 and 53 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) (Waiting Restrictions, Parking Places and Amendments) (No.87) Order 2019 and shall come into operation on the 22 October 2019.

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

Waiting 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.

Parking places

- 5. No person shall cause or permit any vehicle to wait between the hours of 8am-9am and 4pm-6pm, Monday to Friday in the roads, sides of roads and sides of lengths of roads specified in Schedule 3:
 - (i) For a period longer than 20 minutes, or return by that vehicle within 1 hour of leaving to any length of road specified in Schedule 3.
- 6. 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.
- 7. 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 places described in Schedule 5.
- 8. The sides of lengths of road and pavement specified in Schedule 6 are authorised to be used as a Parking Place for vehicles, in such positions as are specified in that part of the road and pavement of the said Schedule and within the Parking Places as marked on the carriageway with adjacent Traffic Signs.
- 9. (a) Each of the parts of a road specified in Schedule 7 is authorised to be used as a Parking Place between the hours of 4.30pm-6.30pm subject to the following provisions:

- (b) Where in Schedule 7 a Parking Place is specified, no person shall cause or permit a vehicle to wait in that Parking Place between the hours of 4.30pm-6.30pm unless it is:
 - (i) a Motorcycle; or
 - (ii) a Disabled Person's Vehicle which displays a Disabled Person's Badge in the Relevant Position; or
 - (iii) displaying in the Relevant Position a valid Permit issued in respect of that vehicle; or
 - (iv) authorised via an electronic permit, having made an electronic payment
- (c) Any person leaving a vehicle in a Parking Place shall ensure that the whole of the vehicle is contained within the limits of an individual Parking Bay or length of Parking Place parallel to the kerb.
- (d) No person shall cause or permit a vehicle to be used in a Parking Place described in Schedule 7 so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.
- (e) No person shall use a Parking Place described in Schedules 5 to 9 inclusive if the use of that Parking Place has been suspended in accordance with Article 14 below.
- (f) Where a Permit has been displayed on a vehicle in accordance with paragraph (b) (iii) 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.

10. Obtaining Resident, Visitor and Business Parking Permits

- (a) There are three classes of Permit although the Council may add to, alter or amend these:
 - (i) Resident Permit;
 - (ii) Business Permit;
 - (iii) Visitor Permit.
- (b) Any Resident and/or any person (including a partnership or body corporate) who manages and/or owns a business within the zone may apply to the Council for the issue of a Permit for the parking of a vehicle in Parking Places described in Schedule 7. The application shall be made on a form issued by the Council and shall include all the details required by the Council.
- (c) Any Resident may apply to the Council for the issue of a Visitor Permit, or apply online to authorise visitor parking via an electronic payment, for the parking of a vehicle which belongs to a person visiting that Resident and, subject to the other provisions of this Article, the Council shall issue a Visitor Permit to that Resident or parking shall be authorised electronically.
- (d) In the case of a physical permit, a Visitor Permit shall be valid on a particular day or days only if it has been validated and displayed in accordance with the instructions and conditions of use shown upon the Permit.

- (e) The Council may require any person applying for a Permit to produce to an Officer of the Council such evidence as it reasonably requires to verify and/or supplement any details provided by or on behalf of the person applying.
- (f) The Council may, if satisfied that all the relevant criteria are met;
 - (i) Issue one Permit for parking in a Parking Place to the Owner of a vehicle, or to any person using the vehicle with the consent of the Owner, at a fee specified by the Council in Column 3 of Schedule 8 of this Order corresponding to the type of Permit listed in Column 2 of Schedule 8 for the Parking Place listed in Column 1 of Schedule 5; or
 - (ii) Issue a permit electronically whereby parking is authorised on receipt of an Electronic Payment
- (g) Permit Charges as described in Column 3 of Schedule 8 are subject to change, and may be varied in accordance with current procedures.
- (h) A Permit will not be issued for parking any vehicle with a gross vehicle weight in excess of 3500kg.
- (i) A Permit shall cease to be valid on the occurrence of any one or more of the following events;
 - (i) the Permit holder ceasing to be a Resident;
 - (ii) the Permit holder or his agent misusing or allowing to be misused the Permit;
 - (iii) the issue of a duplicate Permit by the Council under the provisions of paragraphs (k) to (n) of this Article;
 - (iv) the expiry of the period for which the Permit was issued;
 - (v) the details on the Permit do not correspond with the vehicle in which it is displayed; or
 - (vi) the details on the Permit have ceased to be readily legible.
- (j) A Permit Holder shall surrender any Permit that has been issued to him/her to the Council immediately upon the occurrence of any of the events set out in paragraph (i) of this Article.
- (k) The Council may by notice in writing sent to the Permit Holder at the address given by that person on the application form for the Permit or at any other address believed to be the Permit Holder's residence withdraw a permit if it appears to the Council that any of the events set out in paragraph (i) of this Article have occurred, and the Permit Holder shall surrender the Permit to the Council within 48 hours of the said notice.
- (l) If a Permit is mutilated or defaced and the details on it have become illegible, the Permit Holder shall surrender the Permit to the Council and may then apply to the Council for the issue of a duplicate Permit, at a cost specified by the Council in Column 3 of Schedule 8.
- (m) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit, at a cost specified by the Council in Column 3 of Schedule 8.
- (n) The provisions of this Order shall also apply to the issue of a replacement Permit.

- (o) Any Permit issued by virtue of the provisions of paragraphs (k) or (l) of this Article shall be marked as a duplicate.
- (p) A Permit shall include the following details:
 - (i) a serial number identifying the premises in respect of which the Permit has been issued;
 - (ii) the period during which, subject to the provisions of this Order, the Permit shall remain valid;
 - (iii) an authentication that the Permit has been issued by the Council;
 - (iv) the Parking Zone reference; and
 - (v) vehicle registration mark, if appropriate.

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 to 9 inclusive 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 Articles 5 to 9 inclusive 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 3, 4, 5, 6 and 7.

14. (a) Nothing in Articles 5 to 9 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 3 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 3 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.

15. **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 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

16. 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.
17. 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 436 in Schedule 1 relating to double yellow lines in **Fawley Road** to read:
 - (a) The west side;
 - (i) from its junction with Northwood Road in a northerly direction for a distance of 2 metres
 - (ii) from a point 19 metres south of its northern end up to and including the northern end and the western turning head
 - (b) The east side from its junction with Northwood Road in a northerly direction for a distance of 6 metres
- b) Amend Item 10 (a) in Schedule 13 relating to the single yellow line in **Waterworks Road** to read:

The west side from its junction with Zetland Road in a northerly direction for a distance of 7 metres
- c) Delete Item 1 in Schedule 82 relating to disabled bays in **Marsden Road**
- d) Delete Item 1 (a) (vi) in Schedule 70 relating to the limited waiting bay in **Albert Road**, Southsea
- e) Delete Item 14 (b) (ii) in Schedule 1 relating to double yellow lines in **Albert Road**

2. The Portsmouth City Council (Various Roads) (Waiting Restrictions and Amendments) (No.57) Order 2019

- a) Delete Item 9 in Schedule 2 relating to double yellow lines in Old Farm Way

3. The Portsmouth City Council (MC Zone: Bramble Road Area) (Residents' Parking Places) (No.87) Order 2018

- a) Delete Item 28 (b) (vii) in Schedule 1 relating to a residents' parking place in **Outram Road**

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

- a) Amend Item 12 (a) (ii) of 1. KC WEST SOUTHSEA in Schedule 4 relating to **Florence Road** to read:

from a point 26 metres south of its junction with Malvern Road to a point 5 metres north of its junction with Clarence Road

SCHEDULE 2

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. CAIRO TERRACE

Both sides from its junction with Sultan Road in a northerly direction for a distance of 4 metres

2. CHURCH ROAD

(a) The north side from a point 3 metres west of its junction with Hale Street South to a point 3 metres east of that junction

(b) The south side from a point 3 metres west of its junction with Lords Street to a point 3 metres east of that junction

3. EMANUEL STREET

(a) The western end, from its south side in a northerly direction for a distance of 3 metres

(b) The south side, from its western end in an easterly direction for a distance of 1 metre

4. HALE STREET SOUTH

(a) Both sides from its junction with Church Road in a northerly direction for a distance of 3 metres

(b) The southeast side from a point 171 metres north of its junction with Church Road in a north-easterly direction for a distance of 10 metres

5. LEALAND ROAD

The west side from a point 171 metres south of its junction with Central Road in a southerly direction for a distance of 13 metres

6. LORDS STREET

Both sides from its junction with Church Road in a southerly direction for a distance of 3 metres

7. PERONNE ROAD

The east side from a point 6 metres north of its junction with Scott Road to a point 4 metres south of that junction

8. SOUTH ROAD, FRATTON

(a) The north side from a point 21 metres east of its western end in an easterly direction for a distance of 8 metres

(b) The south side from a point 23 metres east of its western end in an easterly direction for a distance of 8 metres

9. SOUTHBOURNE AVENUE

The north and east sides from a point 117 metres west of its junction with Lower Drayton Lane in a westerly and northerly direction for a distance of 10 metres

10. SULTAN ROAD

(a) The north side from a point 5 metres west of its junction with Cairo Terrace to a point 5 metres east of that junction

- (b) The south side from its junction with Baker Street in a westerly direction for a distance of 2 metres

11. WATERWORKS ROAD

The west side from its junction with Zetland Road in a southerly direction for a distance of 22 metres

SCHEDULE 3

WAITING LIMITED TO 20 MINUTES, NO RETURN WITHIN 1 HOUR
MONDAY TO FRIDAY 8AM-9AM AND 4PM-6PM

Length of Road and Side of Length of Road

1. OUTRAM ROAD

The west side from a point 49 metres north of the projected north side of Livingstone Road in a northerly direction for a distance of 16 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. ALBERT ROAD

The north side from a point 9 metres east of its junction with Chelsea Road to a point 9 metres west of its junction with Goodwood Road

SCHEDULE 5

DISABLED PERSONS PARKING PLACES

Length of Road and Side of Length of Road

1. MARSDEN ROAD

The west side, from a point 52 metres south of its junction with Bourne Road in a southerly direction for a distance of 12 metres

SCHEDULE 6

PART-KERB PARKING

Lengths of Road and Sides of Lengths of Road

1. RAYMOND ROAD

- (a) The north side from a point 11 metres east of its junction with Portsdown Road to the projected west side of Rowland Road
- (b) The south side from a point 11 metres east of its junction with Portsdown Road to a point 8 metres west of its junction with Rowland Road

SCHEDULE 7

RESIDENTS' PARKING PLACES

MD PERMIT HOLDERS ONLY 4.30PM-6.30PM

Length of Road and Side of Length of Road

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE 1	POSITION IN WHICH VEHICLE MAY WAIT 2
1. THE THICKET The south side from a point 9 metres west of its junction with Albany Road in a westerly direction for a distance of 27 metres	Parallel

SCHEDULE 8

PERMIT CHARGES

Permit charges are subject to change.

1	2	3
Parking Zone	Type of Permit	Charges
Parking Places as described in Schedule 7 to this Order	Resident permit: 1 st Resident permit: 2 nd Subsequent Resident permits Business permit: 1 st Business permit: 2 nd Subsequent Business permit Visitor permit: 12 hours Visitor permit: 24 hours Duplicate or Replacement Permit	£30.00 per annum £100.00 per annum £590.00 per annum £140.00 per annum £280.00 per annum £590.00 per annum £1.10 £2.10 £10.00

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

10th day of October

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:



..... Ian Clark
Authorised Signatory IAN CLARK