

THE PORTSMOUTH CITY COUNCIL (LONDON ROAD, NORTH END) (AMENDMENTS TO FOOTWAY AND WAITING RESTRICTIONS) (NO.12) ORDER 2016

The Portsmouth City Council in exercise of its powers under Sections 1 - 4, 32, 35, 36, 45 and 46 of the Road Traffic Regulation Act 1984 ('the 1984 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"), The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 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;

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

"charging hours" means any period of time specified in Schedule 5 of this Order;

'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 meter" has the same meaning as in Section 46(2) of the 1984 Act, which includes ticket machines;

'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;

'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 2002 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 Order specified in Schedule 1 shall have effect subject to the amendments specified below the said Order of the said Schedule.

3. Nothing in Articles 4 and 5 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 or her professional duties;
 - g) A vehicle to be used for fire and rescue, ambulance or police purposes.

PAY & DISPLAY

4. Designation and Use of Parking Place

- (a) Each part of the highway described in Schedule 2 is designated as a Parking Place.
- (b) The limits of each Parking Place and the limits of any Parking Bay shall be indicated by the Council on the carriageway or by appropriate traffic signs.
- (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) Each Parking Place in Schedule 2 may be used subject to the provisions of this Order for the leaving during the permitted hours, on such days and during such hours as are specified in relation to that Parking Place in Schedule 2 by such classes of vehicles as are:
 - (i) Motor cars or Heavy Motor Cars as defined in Section 136 of the 1984 Act,
 - (ii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 2 tons
 - (iii) Motorcycles, or
 - (iv) Disabled Persons' Vehicles.
- (e) No person shall cause or permit a vehicle to wait in a Parking Place described in Schedule 2 in such a position so as to obstruct or prevent any other vehicle from entering or departing from a Parking Place or Parking Bay or if the use of the Parking Place has been suspended.
- (f) No person shall use a vehicle whilst it is in a Parking Place described in Schedule 2 in connection with the sale of any article to persons in or near the Parking Place or otherwise or in connection with the selling or offering for hire of his skill or services without the prior written consent of the Council.
- (g) No person shall use any part of a Parking Place or any vehicle left in a Parking Place described in Schedule 2 for:
 - (i) camping or cooking or overnight sleeping, or
 - (ii) for the purposes of servicing, dismantling or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.
- (h) No person shall cause or permit a vehicle to be used in a Parking Place described in Schedule 2 so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.

5. Parking Charges

- (a) If any person leaves a vehicle in a Parking Places described in Schedule 2 during the listed pay and display hours, then that person shall pay the Parking Charge specified in Column 3 of the Schedule for the rounded up number of hours also listed in Column 3 of the Schedule that the vehicle is left in the Parking Place.
- (b) The Parking Charge shall be payable by the insertion of the appropriate fee into the Parking Meter provided or by using a mobile telephone to make cashless payments via a credit card or debit card.
- (c) A valid parking ticket that is issued upon payment of the Parking Charge shall be displayed in the Relevant Position on the vehicle in respect of which it was issued and the particulars of the time at which the ticket was obtained (or recorded if made via cashless payment), and specified on the ticket, shall be evidence of those particulars unless the contrary is proved.
- (d) No vehicle shall be left in a Parking Place described in Schedule 3 during the pay and display hours without a valid parking ticket displayed in accordance with paragraph (c) of this Article or for a period longer than that allowed by a valid parking ticket.
- (e) If at any time whilst a vehicle is left in a Parking Place, during the pay and display hours, no ticket is displayed on that vehicle in accordance with the provisions of this Article (or no electronic payment has been recorded) it shall be presumed that the Parking Charge has not been paid.
- (f) When a valid parking ticket has been exhibited on a vehicle in accordance with the provisions of this Article, no person, other than the Driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the Driver.
- (g) Where a Penalty Charge Notice has been attached to a vehicle no person, other than the Driver of the vehicle, a police constable in uniform or a person duly authorised by the Council shall interfere with or remove the Penalty Charge Notice from the vehicle unless authorised to do so by the Driver.
- (h) Nothing in this Article 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 side or length of road referred to in Schedule 2.
- (i) Nothing in this Article shall render it unlawful to cause or permit a vehicle to wait in the side or length of road referred to in Schedule 2 if the vehicle displays in the Relevant Position a valid Permit for the Parking Place in which the vehicle is left.

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 Schedule 2 whenever s/he considers such suspension reasonably necessary.
- (b) Any person authorised by the Council may suspend the use of or any part of a Parking Place described in Schedule 2 for any civic event or similar occasion.

- (c) Any person suspending the use of or any part of a Parking Place as described in Schedule 2 in accordance with the provisions of this Article shall where reasonably practicable:
 - (i) Place or cause to be placed over any Parking Meter a hood or other cover indicating that the use of or any part of the Parking Place is suspended and that waiting by vehicles is prohibited, and
 - (ii) Place or cause to be placed in or adjacent to that Parking Place a traffic sign or signs indicating that waiting is prohibited.
- (d) On any suspension of the use of or any part of a Parking Place as described in Schedule 2 in accordance with the provisions of this Article any person authorised by the Council may temporarily remove the Parking Meter and/or any post, bracket or other support relating to that Parking Place.

7. Moving or Removal of Vehicles

- (a) If a vehicle is left in a Parking Place as described in Schedule 2 in a position otherwise than in accordance with the requirements of this Order, a Civil Enforcement Officer or other person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (b) If a vehicle is left in a Parking Place as described in Schedule 2 in contravention of any part of this Order a Civil Enforcement Officer or other person authorised by the Council may remove the vehicle from that Parking Place or arrange for such removal.
- (c) 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 Schedule 2 or remove or arrange for the removal of a vehicle from a Parking Place.
- (d) 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.
- (e) 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.

8. The Council may:

- (a) Install in such position on or in the vicinity of a Parking Place such Parking Meters as are required by this Order or are reasonably required for the purposes of that Parking Place, and
- (b) carry out such other work authorised by this Order or is reasonably required for the satisfactory operation of a Parking Place.

9. 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.

10. 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.
11. This Order may be cited as The Portsmouth City Council (London Road, North End) (Amendments to Footway and Waiting Restrictions) (No.12) Order 2016 and shall come into operation on the 31 March 2016.

SCHEDULE 1
(See Article 2)

AMENDMENTS TO EXISTING ORDER

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

a) Amend Item 41 in Schedule 2 relating to London Road to read:

- (a) The west side;**
 - (i) from a point 59 metres north of its junction with Kingston Crescent in a northerly direction for a distance of 73 metres**
 - (ii) from opposite its junction with Laburnum Grove in a southerly direction for a distance of 65 metres**

- (b) The east side;**
 - (i) from its junction with Laburnum Grove in a southerly direction for a distance of 38 metres**
 - (ii) from its junction with Chichester Road in a northerly direction for a distance of 143 metres**

SCHEDULE 2

(See Articles 4 & 5)

PAY AND DISPLAY**MONDAY TO SATURDAY 8AM - 6PM**

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	PARKING CHARGES 3
<p>1. LONDON ROAD</p> <p>The west side from a point 74 metres north of the projected north side of Chichester Road in a northerly direction for a distance of 69 metres</p>	<p>Parallel</p>	<p>Up to 30 minutes 60p Up to 1 hour £1.10 Up to 2 hours £2.00 Up to 3 hours £3.00 Up to 4 hours £4.00 Up to 6 hours £6.20 Up to 8 hours £8.20 All day £10.00</p> <p>(Parking Charges are subject to change and may be varied following advertisement of the appropriate public notice detailing the changes).</p>

COUNCIL'S REASONS FOR THE ORDER

To provide short-term parking in the locality to support local shops and businesses by improving access for customers arriving by vehicle. To ensure the remaining road width suitably accommodates cyclists and larger vehicles such as buses.

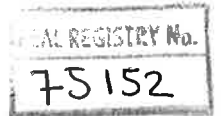
Given under the Common Seal
of the Portsmouth City Council this


17th

day of March

2016.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in the)
presence of)




Authorised Signatory IAN CLARK

CITY OF PORTSMOUTH
MUNIMENT ROOM

No 82339

DATE	INITIALS
29-03-16	TS