

THE PORTSMOUTH CITY COUNCIL (TWYFORD AVENUE) (RESIDENTS' PARKING ZONE AND AMENDMENTS TO WAITING RESTRICTIONS) (NO.76) ORDER 2018

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under sections 1-4, 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 after consulting 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. This Order may be cited as The Portsmouth City Council (Twyford Avenue) (Residents' Parking Zone and Amendments to Waiting Restrictions) (No.76) Order 2018 and shall come into operation on 19 November 2018.
2. Except where otherwise stated, any reference in this Order to an Article or Section or Part or Schedule is a reference to the Article or Section or Part or Schedule bearing that number or letter in this Order.
3. The requirements, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any requirement, prohibition or restriction imposed by any regulations made or having effect as if made under the 1984 Act, or by any other enactment.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
5. In this Order:

"Business" means a business which is registered for the purpose of paying non-domestic rates and is at a postal address that is in any road or part of a road or zone specified in Schedules 2 and 3 to this Order;

"Council" means Portsmouth City Council;

"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;

"Disabled Person's Badge" has the same meaning as in Section 2 of The Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Person's Vehicle" means a vehicle lawfully displaying a Disabled Person's Badge;

"Driver" means the person driving the vehicle at the material time.

"Electronic Payment" means the purchase of a period of parking through payment by debit or credit card facilitated by remote verification through the use of a card reader, mobile phone text, telephone call or such other methods as are approved by the Council

"Motorcycle" has the same meaning as in Section 136(4) of the 1984 Act;

"Motor Vehicle" has the same meaning as in Section 136(1) of the 1984 Act;

“Owner”, has the same meaning as Section 92 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

“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 that part of the highway designated by this Order in Schedule 2 and indicated by Traffic Signs located adjacent to the road to be used as a place to park a vehicle, and which is not subject to separate waiting restrictions as prescribed by their respective Traffic Signs;

“Parking Zone” means those Parking Places named in Schedule 2 and designated within the boundary shown in Schedule 3;

“Penalty Charge” means an additional parking charge set by the Council under the provisions of Section 78 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” 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;

“Permitted Hours” means the period of time during which a Parking Place is open or available for the leaving of vehicles in accordance with this Order;

“Relevant Position” means:

- (a) In the case of a vehicle fitted with a front windscreen, that the parking ticket(s), Parking Disc, Permit, Disabled Person’s Badge or other parking device is/are:
 - (i) exhibited on the near-side of the vehicle on the inside of the front windscreen; or
 - (ii) in a prominent place on the near-side of the vehicle immediately behind the front windscreen;and
 - (iii) with all particulars legible from outside the front of the vehicle.
- (b) In the case of a vehicle not fitted with a front windscreen, that the parking ticket(s), Parking Disc, Permit, Disabled person’s badge or other parking device is/are:
 - (i) exhibited in a prominent and conspicuous place on the front, near-side of the vehicle;and
 - (ii) with all particulars legible from the front of the vehicle.

“Resident” means a person whose main place of residence is at a postal address that is in any road or part of a road or zone specified in Schedules 2 and 3 to this Order;

“Road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

“Traffic Sign” means a sign prescribed or authorised under The Traffic Signs Regulations and General Directions 2016 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act of 1984 or Section 195(2) of the Road Traffic Act 1988.

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

WAITING RESTRICTIONS

7. Save as provided in Articles 8, 11, 12 and 13, no person shall cause or permit a vehicle to wait in a Parking Place described in Schedule 2 of this Order between the hours of 2pm and 10pm.

PARKING PLACES

8. (a) The road specified in Schedule 2 is authorised to be used as a Parking Place during such hours as are specified in that Schedule, and by Traffic Signs, subject to the following provisions:
- (b) Where in Schedule 2 a Parking Place is specified, no person shall cause or permit a vehicle to wait in that Parking Place 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 to park via an Electronic Payment
- (c) Any person leaving a vehicle in a Parking Place shall ensure that the vehicle is parked parallel to the kerb, subject to Article 8 (d) below.
- (d) 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.
- (e) No person shall use a Parking Place described in Schedule 2 if the use of that Parking Place has been suspended in accordance with Article 9 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.
9. 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 duly 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) Nothing in this Article shall render it unlawful to cause or permit a vehicle being used for fire and rescue, ambulance or police 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. 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 Schedule 2 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.

11. 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 corporate body) who manages and/or owns a business within the parking zone may apply to the Council for the issue of a Permit for the parking of a vehicle in a Parking Place described in Schedule 2. The application shall be made on a form issued by the Council, or by using the online service, 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 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.
- (d) A Visitor Permit shall be valid on a particular day or days only if it has been validated and, in the case of a physical permit, 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 4 of this Order corresponding to the type of Permit listed in Column 2 of Schedule 4 for the Parking Place listed in Column 1 of Schedule 4; or
 - (ii) Authorise parking in respect of an Electronic Payment being made.
- (g) Permit Charges as described in Column 3 of Schedule 4 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 or registered Business;
 - (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 (m) 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 4.
- (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 4.
- (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 (l) and (m) of this Article shall be marked as a duplicate.

- (p) A physical 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

- 12. Without prejudice to the provisions of this Order any vehicle may wait during the hours of operation anywhere on the carriageway in a Parking Place, other than a Parking Place or part thereof the use of which has been suspended, to reasonably;
 - (a) allow a person to board or alight from the vehicle;
 - (b) allow goods to be loaded on or unloaded from the vehicle;
 - (c) allow the vehicle, if it cannot conveniently be used for such purpose in any other road or place, 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 or any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (d) allow 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) enable a vehicle of (and bearing a livery used by) a universal service provider as defined 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 the Postal Services Act 2000;
 - (f) allow a vehicle to be used by a registered Medical Practitioner in the course of his or her professional duties;
 - (g) allow the vehicle to be used for fire and rescue, ambulance or police purposes.
- 13. Nothing in Article 7 of this Order 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 sides or lengths of roads referred to in Schedule 2 of this Order.

PENALTY CHARGE

- 14. 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.

SCHEDULE 1

See Article 6

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 1210 (a) (i) in Schedule 1 relating to Twyford Avenue to read:

from its northern end in a southerly direction for a distance of 105 metres

SCHEDULE 2

See Article 7

RESIDENTS' PARKING PLACES

FH PERMIT HOLDERS ONLY

2PM - 10PM

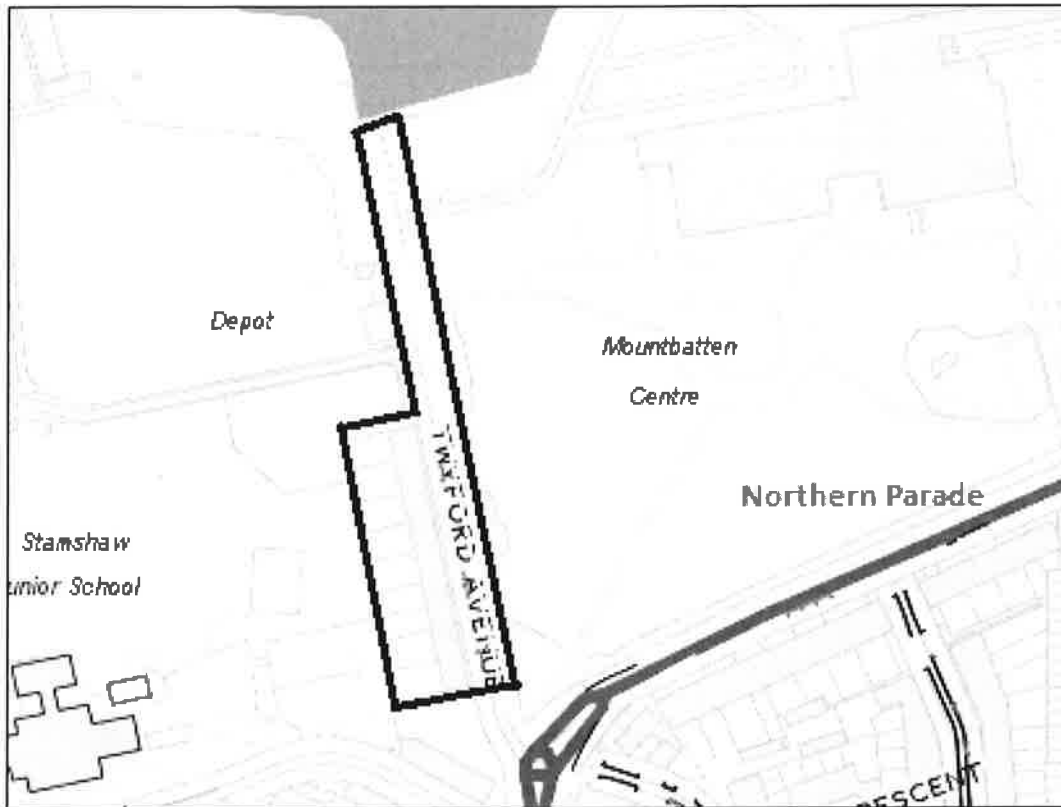
1. TWYFORD AVENUE

North of its junction with the roundabout at Northern Parade

SCHEDULE 3

See Article 5

FH ZONE



Nos.313-347 (odd numbers) are eligible to apply for FH zone permits

SCHEDULE 4

See Article 11

PERMIT CHARGES

Permit charges are subject to change.

1	2	3
Parking Zone	Type of Permit	Charge
Parking Places as described in Schedules 2 and 3 of this Order	Resident permit: 1 st Resident permit: 2 nd Subsequent Resident permit	£30.00 per annum £80.00 per annum £550.00 per annum
	Business permit: 1 st Business permit: 2 nd Subsequent Business permit	£130.00 per annum £260.00 per annum £550.00 per annum
	Visitor permit: 12 hours Visitor permit: 24 hours	£1.05 £2.00
	Duplicate or Replacement Permit	£10.00

Reasons for the Order

- To introduce a residents' parking zone covering the northern dead end section of Twyford Avenue, north of the roundabout junction with Northern Parade.
- The northern dead end of Twyford Avenue was included on the approved 2015 Residents' Parking Programme for survey. The June/July 2018 survey showed 75% of residents who responded to be in favour of a permit scheme, and that the majority of parking problems occur during the afternoon, evening and overnight. The main reason given for the parking problems was close proximity to the Mountbatten leisure centre. Therefore the parking zone aims to maximise parking opportunities for residents by restricting parking by non-residents;
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- For preserving or improving the amenities of the area through which the road runs;
- For any of the purposes specified in section 87(1)(a-c) of the Environment Act 1995 (air quality).

Given under the Common Seal of the Portsmouth City Council this 6th day of November 2018.

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:)

June Louise Goff
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Authorised Signatory

