

## **THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESIDENTS PARKING PLACES) (NO. 9) CONSOLIDATION ORDER 2016**

Portsmouth City Council under Sections 1, 2, 3, 4, 32, 35, 36, 53 and 124(1)(c), (d) and (f) 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”), 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 that has the effect of revoking the provisions in full or in part of some earlier orders, re-enacts those provisions without any change of substance and has no other effect:

### **PART I** **GENERAL**

1. This Order may be cited as the Portsmouth City Council (Various Roads) (Residents’ Parking Places) (No.9) Consolidation Order 2016 and shall come into force on the 7 July 2016.
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 unless otherwise stated.
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 1 to 11 and Schedule 13** 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.

“**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 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 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 **Schedules 1 to 10** to be used as a place to park a vehicle;

**“Parking Zone”** means those Residents’ Parking Places named in each of the **Schedules 1 to 11 and Schedule 13**;

**“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 1 to 11 and Schedule 13** 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;

**“Specified Position”** means wholly within the limits of the Parking Place as marked on the carriageway by broken white lines;

**“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.

- 2. The Orders set out in Column 1 of **Schedule 14** are hereby revoked according to Column 2 of that Schedule.

## **PART II** **PARKING PLACES AND BAYS**

### **Section A – Parking Permits**

- 1. (a) Each of the parts of a road specified in Schedules 1 to 11 is authorised to be used as a Parking Place during such hours as are specified in those Schedules subject to the following provisions:
- (b) Where in Schedules 1 to 11 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 via an electronic permit, having made a cashless payment for parking
- (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 Schedules 1 to 11 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 1 to 11 if the use of that Parking Place has been suspended in accordance with Article 2 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.
- (g) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 2 of this Order for a period not exceeding 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 2 and 13) on the same day).
- (h) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 3 of this Order for a period not exceeding 2 hours (not being a period separated by an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 3 and 13) on the same day).
- (i) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 4 of this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 4 and 13) on the same day).
- (j) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 5 of this Order for a period not exceeding 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 5 and 13) on the same day between the hours of 6am and 6pm Monday to Saturday).
- (k) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 6 of this Order between the hours of 8am and 6pm, Monday to Saturday and all day Sunday.
- (l) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 7 of this Order for a period not exceeding 2 hours (not being a period separated by an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 7 and 13) on the same day between the hours of 8am and 5pm Monday to Saturday).
- (m) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 8 of this Order for a period not exceeding 2 hours (not being a period separated by

an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 8 and 13 of this Order) on the same day between the hours of 6am and 6pm Monday to Friday).

- (n) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 9 of this Order for a period not exceeding 2 hours (not being a period separated by an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 9 and 13 of this Order) on the same day between the hours of 5pm to midnight and midnight to 9am).
- (o) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 10 of this Order for a period not exceeding 2 hours (not being a period separated by an interval of less than 4 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 10 and 13 of this Order) on the same day between the hours of 8am and 5pm).
- (p) Nothing in paragraph (b) of this Article shall render it unlawful to cause or permit a vehicle to wait in a Parking Place described in Schedule 11 of this Order for a period not exceeding 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the Parking Zone (described in Schedules 11 and 13 of this Order) on the same day between the hours of 6am and 6pm Monday to Friday).

## **2. 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 Schedules 1 to 11 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 Schedules 1 to 11 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 Police, Fire and Rescue, Coastguard 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

## **3. 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 1 to 11 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 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.
- (c) 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

#### **4. 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 a Parking Place described in Schedules 1 to 11. 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 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 12 of this Order corresponding to the type of Permit listed in Column 2 of Schedule 12 for the Parking Place listed in Column 1 of Schedule 12; or
  - (ii) Issue an electronic permit whereby cashless payment is made in return for parking authorised electronically
- (g) Permit Charges as described in Column 3 of Schedule 12 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 (h) 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 (h) 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 12 (as amended).
- (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 12 (as amended).
- (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 be in writing and 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.

## **Section B - Exceptions**

1. Without prejudice to the other provisions of Part II 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;
  - (e) allow a vehicle to be used by a registered Medical Practitioner in the course of his or her professional duties;
  - (f) allow the vehicle to be used for fire and rescue, ambulance, police or coastguard purposes.
2. Nothing in Section A of Part II 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 **Schedules 1 to 11** of this Order.

### **Section C – Penalty Charge**

1. A failure by any person to comply with any requirement of Section A of Part II of this Order shall be a contravention of this Order and a Penalty Charge shall be payable by the Owner.
2. A failure by any person to comply with any other requirement, not detailed in Section C1 above, of Part II of this Order shall be a contravention of this Order.

## List of Schedules

### **SCHEDULE 1** (SEE PART II, SECTION A, ARTICLE 1)

Residents Parking Places: Permit Holders Only

### **SCHEDULE 2** (SEE PART II, SECTION A, ARTICLE 1(g))

Residents Parking Places: Waiting Limited to 1 Hour, No Return Within 2 Hours

Permit Holders Exempt

### **SCHEDULE 3** (SEE PART II, SECTION A, ARTICLE 1(h))

Residents Parking Places: Waiting Limited to 2 Hours, No Return Within 4 Hours

Permit Holders Exempt

### **SCHEDULE 4** (SEE PART II, SECTION A, ARTICLE 1(i))

Residents Parking Places: Waiting Limited to 3 Hours, No return Within 4 Hours

Permit Holders Exempt

### **SCHEDULE 5** (SEE PART II, SECTION A, ARTICLE 1(j))

Residents Parking Places: Waiting Limited to 1 Hour, No Return Within 2 Hours

Monday to Saturday 6am-6pm

Permit Holders Exempt

### **SCHEDULE 6** (SEE PART II, SECTION A, ARTICLE 1(k))

Residents Parking Places: Permit Holders Only

Monday to Saturday 6pm-8am, Sunday all day

### **SCHEDULE 7** (SEE PART II, SECTION A, ARTICLE 1(l))

Residents Parking Places: Waiting Limited to 2 Hours, No Return Within 4 Hours

Monday to Saturday 8am-5pm

Permit Holders Exempt

### **SCHEDULE 8** (SEE PART II, SECTION A, ARTICLE 1(m))

Residents Parking Places: Waiting Limited to 2 Hours, No Return Within 4 Hours

Monday to Friday 6am-6pm

Permit Holders Exempt

### **SCHEDULE 9** (SEE PART II, SECTION A, ARTICLE 1(n))

Residents' Parking Places: Waiting Limited to 2 Hours, No Return Within 4 Hours

5pm-9am

Permit Holders Exempt

### **SCHEDULE 10** (SEE PART II, SECTION A, ARTICLE 1(o))

Residents' Parking Places: Waiting Limited to 2 Hours, No Return Within 4 Hours

8am-5pm

Permit Holders Exempt

### **SCHEDULE 11** (SEE PART II, SECTION A, ARTICLE 1(p))

Residents' Parking Places: Waiting Limited to 1 hour, No Return Within 2 Hours

Monday to Friday 6am-6pm

Permit Holders Exempt

**SCHEDULE 12** (SEE PART II, SECTION A, ARTICLE 4)  
Permit Charges

**SCHEDULE 13** (SEE PART I, ARTICLE 4)  
Residents' Parking Zones

**SCHEDULE 14** (PART I, ARTICLE 5)  
Orders Revoked