

## **THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING, AND AMENDMENTS) (NO. 51) ORDER 2020**

The Portsmouth City Council (hereinafter referred to as “the council”), in exercise of the powers under Sections 1, 2, 4, 32, 35 and 36 of the Road Traffic Regulation Act 1984 (“the 1984 Act”), as amended, the Traffic Management Act 2004 (“the 2004 Act”), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the 2007 Regulations”), 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) (Restrictions on Waiting, and Amendments) (No.51) Order 2020 and shall come into operation on the 23 November 2020.

### General

2. 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;

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

'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 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 4 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

- 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 permit 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;

3. 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.
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. The Order specified in Schedule 1 to this Order are hereby varied as specified in that Schedule.

#### Waiting restrictions

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.
7. 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 between the hours of 9am and 6pm in the length of road, and side of length of road specified in Schedule 3, except for the purposes of loading and unloading.

#### Parking Places

9. Each of the parts of a road specified in Schedule 4 is authorised to be used as a Parking Place between the hours of 5pm-7pm subject to the following provisions:
  - (a) Where in Schedule 4 a Parking Place is specified, no person shall cause or permit a vehicle to wait in that Parking Place between the hours of 5pm-7pm 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.
- (b) 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.
  - (c) No person shall cause or permit a vehicle to be used in a Parking Place described in Schedule 4 so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.
  - (d) No person shall use a Parking Place described in Schedule 4 if the use of that Parking Place has been suspended in accordance with Article 2 below.
  - (e) Where a Permit has been displayed on a vehicle in accordance with paragraph (a) (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.

#### Suspension of Parking Places

- 10. 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 4 whenever s/he considers such suspension reasonably necessary.
- 11. Any person duly authorised by the Council may suspend the use of, or any part of, a Parking Place described in Schedule 4 for any civic event or similar occasion.
- 12. 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.

#### Moving or Removal of Vehicles

- 13. 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 4 or remove or arrange for the removal of a vehicle from a Parking Place.
- 14. 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.
- 15. 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.

## Exceptions

16. Nothing in Article 8 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 4 of this Order.
17. Nothing in Article 6 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).
18. Nothing in Articles 6, 7 and 8 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

## Penalty Charge

19. 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.
20. 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.

## 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 465 (b) in Schedule 1 relating to double yellow lines in **Fourth Street** to read:
- (b) The east side from its junction with St Mary’s Road in a northerly direction for a distance of 107 metres
- b) Amend Item 139 (c) in Schedule 1 relating to double yellow lines in **Bransbury Road** to read:
- (c) The northeast side from its junction with Henderson Road in a north-westerly direction for a distance of 88 metres
- c) Amend Item 33 (b) in Schedule 95 relating to Pay & Display bays in **Pembroke Road** to read:
- (b) The south side;
- (i) from a point 38 metres east of its junction with Penny Street in an easterly direction for a distance of 62 metres
- (ii) from a point 144 metres east of its junction with Penny Street in an easterly direction for a distance of 50 metres
- (iii) from a point 194 metres east of its junction with Penny Street in an easterly direction for a distance of 80 metres
- (iv) from a point 275 metres east of its junction with Penny Street in an easterly direction for a distance of 13 metres
- d) Delete Item 9 in Schedule 66 relating to the limited waiting bay in **Empshott**
- e) Amend Item 679 (b) (i) in Schedule 1 relating to double yellow lines in **Powerscourt Road** to read:
- From a point 5 metres west of its junction with Paulsgrove Road to a point 2 metres east of that junction
- f) Amend Item 1139 (b) (vii) in Schedule 1 relating to double yellow lines in **Somers Road** to read:
- from a point 5 metres north-east of its junction with Playfair Road to a point 4 metres south-west of that junction
- g) Amend Item 277 (d) in Schedule 1 relating to double yellow lines in **Commercial Place** to read:
- The north side from its junction with the east side of Spicer Street up to and including its eastern end created by the road closure point; a 17m length

**h)** Delete Item 75 in Schedule 1 relating to double yellow lines in **Bathing Lane**.

**2.** The Portsmouth City Council (Residents' Parking Places) (Consolidation) (No.1) Order 2020

**a)** Amend Item 17 (b) in Schedule 44 relating to a parking bay in **Pepys Close** to read:

(b) The west side:

(i) from a point opposite a point 10 metres south of its west-east section in a southerly direction for a distance of 3.5 metres

(ii) from a point opposite a point 20 metres south of its west-east section in a southerly direction for a distance of 30 metres

(iii) from a point opposite a point 40 metres south of its west-east section in a southerly direction for a distance of 25 metres

**b)** Delete Items 24 (a) (i) and (ii) in Schedule 42 relating to parking bays in **Lorne Road**.

**c)** Delete Item 33 (a) (vii) in Schedule 43 relating to a parking bay in **Victoria Road South**

## **SCHEDULE 2**

### **PROHIBITION OF WAITING AT ANY TIME**

Lengths of Roads and Sides of Lengths of Roads

#### **1. APRIL SQUARE**

The west side of the northernmost arm, alongside No.41, a 26m length from the junction up to the northern end

#### **2. CURTIS MEAD**

The north side from a point 4 metres west of its junction with Escur Close to a point 5 metres east of that junction

#### **3. DEVONSHIRE AVENUE**

The north side from a point 54 metres east of its junction with Frensham Road in an easterly direction for a distance of 4 metres

#### **4. ESCUR CLOSE**

- (a) The west side from its junction with Curtis Mead in a northerly direction for a distance of 15 metres
- (b) The east side from its junction with Curtis Mead in a northerly direction for a distance of 2 metres

#### **5. HOLCOT LANE**

- (a) The north side from its junction with Althorpe Drive in an easterly direction for a distance of 8 metres
- (b) The south side from its junction with Althorpe Drive in an easterly direction for a distance of 5 metres

#### **6. LOCKSWAY ROAD**

The north side from a point 9 metres west of its junction with Orchard Lane to a point 4 metres east of that junction

#### **7. OLD FARM WAY**

The south side from a point 6 metres west of its junction with Watermead to a point 3 metres east of that junction

#### **8. WATERMEAD**

- (a) The west side from its junction with Old Farm Way in a southerly direction for a distance of 8 metres
- (b) The east side from its junction with Old Farm Way in a southerly direction for a distance of 3 metres

#### **9. WOUFFERTON ROAD**

The east side from a point 65 metres north of its junction with Allaway Avenue in a northerly direction for a distance of 6 metres

## **SCHEDULE 3**

### **LOADING ONLY 9AM-6PM**

Length of Road and Side of Length of Road

#### 1. EMPSHOTT ROAD

The south side from a point 2 metres west of its junction with Winter Road in a westerly direction for a distance of 16 metres

## **SCHEDULE 4**

### **RESIDENTS' PARKING PLACES**

#### **5PM-7PM**

#### **MC AND MD PERMIT HOLDERS ONLY**

Lengths of Roads and Sides of Lengths of Roads

| AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE   |
|---|
| 1. LORNE ROAD<br>(a) The west side;<br>(i) from a point 5 metres north of its junction with Campbell Road in a northerly direction for a distance of 23 metres<br>(ii) from a point 8 metres south of its junction with Livingstone Road in a southerly direction for a distance of 22 metres |

## STATEMENT OF REASONS FOR 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), or
- 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, delivery vehicles, public services (particularly refuse collection vehicles and bus services);
- 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  
2020.

17th

day of

November

**THE COMMON SEAL OF PORTSMOUTH** )  
**CITY COUNCIL** was hereunto affixed in )  
pursuance of a resolution of the Council )  
passed at a meeting duly convened and held:- )

  
.....  
Authorised Signatory



LAND REGISTRY No.  
78619