

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING, AND AMENDMENTS) (NO. 86A) 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.86A) Order 2020 and shall come into operation on the 4 January 2021.

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 Monday to Friday between the hours of 9am and 12pm noon in the length of road, and side of length of road specified in Schedule 3.

Parking Places

8. No person shall cause or permit any vehicle to wait between the hours of 8am and 9pm, Monday to Saturday in the road, lengths of road, side of road and side of length of road 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.
9. 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.

10. 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.
11. 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 12 below.

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 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).
17. 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.

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 1202 (b) (ix) in Schedule 1 relating to double yellow lines in Tangier Road to read:

from a point 7 metres east of the access road to No.265 to a point 22 metres west of that junction

b) Delete Item 24 (a) in Schedule 66 relating to the limited waiting bay in London Road, Hilsea

2. The Portsmouth City Council (Various Roads) (Restrictions on Waiting Restrictions and Loading, and Amendments) (No.135) Order 2019

a) Delete Item 1 in Schedule 8 relating to the single yellow line in Gatcombe Avenue

SCHEDULE 2

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. AVONDALE ROAD

The west side of the south-western arm, rear of even Nos. 18-32 Cranleigh Road; its entire 30-metre length

2. CURTIS MEAD

Both sides from its junction with London Road, Hilsea, in an easterly direction for a distance of 7 metres

3. JERVIS ROAD

The south side from a point 110 metres west of its junction with Widley Road in a westerly direction for a distance of 12 metres

4. PARKSTONE LANE

The north side from its junction with Parkstone Avenue in an easterly direction for a distance of 25 metres

SCHEDULE 3

NO WAITING

MONDAY TO FRIDAY 9AM-12PM

Length of Road and Side of Length of Road

1. GATCOMBE AVENUE

The north side from a point 7 metres east of its junction with Copnor Road in an easterly direction for a distance of 17 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. LONDON ROAD, HILSEA

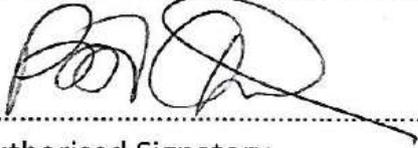
The west side from a point 90 metres north of its junction with Northwood Road in a northerly direction for a distance of 36 metres

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 16th day of December
2020.

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

