

## **THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESIDENTS' PARKING AMENDMENTS) (NO. 30) ORDER 2021**

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under sections 1, 2, 4, 32, 33, 35, 45, 46, 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 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) (Residents' Parking Amendments) (No.30) Order 2021 and shall come into operation on DATE.

### General

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:

“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" in relation to a vehicle in a Parking Place means the person driving the vehicle at the time it was driven into and/or left in the Parking Place and for the purposes of the Order and any legal proceedings taken thereunder if on the date a vehicle is driven into and/or left in a Parking Place a person is the Owner of the vehicle that person shall be deemed to have been the driver of the vehicle in absence of proof that the Driver was another person;

"Electronic Payment" means the purchase of a period of parking through payment by debit or credit card facilitated on site or 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 from time to 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 2, 3, 4 and 5 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 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, in physical or electronic format, by the Council for use in the Parking Places 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, any parking ticket, Parking Disc, Permit, Disabled Person’s Badge or other parking device is:
  - (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 any 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, 3, 4 and 5 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;

"Schedule" means the schedules annexed to this Order;

“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 in the said Schedule.

### Parking Places

7. (a) Each of the parts of a road specified in Schedules 2, 3, 4 and 5 is authorised to be used as a Parking Place subject to the following provisions:
- (b) Where in Schedules 2, 3, 4 and 5 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.
- (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 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 if the use of that Parking Place has been suspended in accordance with Article 12 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.
8. No person shall cause or permit any vehicle to wait on any day between the hours of 4.30pm and 6.30pm in the lengths of roads, sides of lengths of roads specified in Schedule 2 of this Order unless the vehicle has a valid ME permit.
9. No person shall cause or permit any vehicle to wait between the hours of 8am and 8pm, Monday to Saturday inclusive, in the lengths of roads, and sides of lengths of road specified in Schedule 3 of this Order;
- (a) for a period longer than 3 hours; or
  - (b) if a period of less than 4 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle on those sides of roads or in those lengths of roads.

10. No person shall cause or permit any vehicle to wait on any day between the hours of 12pm-1pm and 6pm-7pm in the lengths of roads, sides of lengths of roads specified in Schedule 4 of this Order unless the vehicle has a valid MG permit.
11. No person shall cause or permit any vehicle to wait on any day between the hours of 8am and 8pm in the lengths of roads, and sides of lengths of road specified in Schedule 5 of this Order;
  - (b) for a period longer than 3 hours; or
  - (c) if a period of less than 4 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle on those sides of roads or in those lengths of roads, or
  - (d) unless the vehicle has a valid ME permit.

#### Suspension of Parking Places

12.
  - (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 2, 3, 4 and 5 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 2, 3, 4 and 5 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 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.
  - (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 2, 3, 4 and 5 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.

#### Exceptions

14. Without prejudice to the other 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.

15. Nothing in 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 2, 3, 4 and 5 of this Order.

#### Contravention and Penalty Charge

1. 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**

### **AMENDMENTS TO EXISTING ORDERS**

**1.** The Portsmouth City Council (Consolidation) (On–Street Parking and Restrictions on Waiting and Loading) (No.1) Order 2019

**a)** Delete Item 48 (a) in Schedule 66 (Waiting limited to 1 hour) relating to Winter Road

**2.** The Portsmouth City Council (ME Zone: Haslemere Road Area) (Residents' Parking Places, Waiting Restrictions and Amendments) (No.30) Order 2019

**a)** Delete Item 2 (a) (iv) in Schedule 6 (Residents' parking places) relating to Bramshott Road

**3.** The Portsmouth City Council (MG Zone: Festing Grove Area) (Residents' Parking Places and Waiting Restrictions) (No.49) Order 2020

**a)** Amend Item 1224 (b) (i) in Schedule 1 (double yellow lines) relating to Tokar Street to read:

(b) The north side;

(i) from a point 5 metres west of its junction with Priory Road to a point 1 metre east of that junction

**4.** The Portsmouth City Council (MD Zone Extension) (Residents' Parking Places and Waiting Restrictions) (No.124) Order 2019

**a)** Delete Item 4 (iii) in Schedule 3 (MD permit holders) relating to St Ronan's Ave

## SCHEDULE 2

### RESIDENTS' PARKING PLACES

#### ME PERMIT HOLDERS 4.30PM-6.30PM

Length of road and side of length of road

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE
1. HIGHLAND ROAD The north side from a point 8 metres east of its junction with Brompton Road to a point 16 metres west of its junction with Haslemere Road

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The north side from a point 8 metres east of its junction with Brompton Road to a point 16 metres west of its junction with Haslemere Road

**SCHEDULE 3**

**WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 4 HOURS**

**MONDAY TO SATURDAY 8AM-8PM**

Length of Road and Side of Length of Road

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

1. WINTER ROAD

The west side from a point 5 metres south of its junction with Grayshott Road to a point 5 metres north of its junction with Bramshott Road



**SCHEDULE 4**

**MG PERMIT HOLDERS ONLY 12PM-1PM AND 6PM-7PM**

Lengths of Road and Sides of Lengths of Road

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

1. MARINE COURT

- (a) The north-west side, the parking area to the side of No.10
- (b) The south-east side, the parking area opposite Nos.23-26 inclusive

**SCHEDULE 5**

**ME PERMIT HOLDERS**

**OR**

**WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 4 HOURS 8AM-8PM**

Lengths of Roads and Sides of Lengths of Roads

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

1. BRAMSHOTT ROAD

The north side from a point 2 metres west of its junction with Winter Road to a point 15 metres west of that junction

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**COUNCIL'S STATEMENT OF REASONS FOR THE ORDER**

- To introduce residents' parking bays further within Marine Court to manage parking congestion and improve parking opportunities for residents, particularly when the parking demand is highest;
- Preventing long-term parking by vehicles in the area enables a regular turnover of vehicles, increasing the availability of parking spaces;
- To amend parking bay operation to provide availability and turnover of parking spaces for users of community facilities, shops, businesses and other amenities;
- For preserving or improving the amenities of the area through which the road runs.

Given under the Common Seal  
of the Portsmouth City Council this

day of

2021.

**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: )

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Authorised Signatory