

THE PORTSMOUTH CITY COUNCIL (OWEN STREET AND WARD ROAD) (AMENDMENTS TO RESIDENTS' PARKING PLACES: MG ZONE) (NO. 48) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under sections 1, 2, 4, 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 (Owen Street and Ward Road) (Amendments to Residents' Parking Places: MG Zone) (No.48) 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 Schedule 2 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, that the parking ticket, Parking Disc, Permit, Disabled Person’s Badge or other parking device is exhibited on the near side of the vehicle immediately behind the front windscreen 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, Parking Disc, Permit, Disabled Person’s Badge or other parking device is exhibited in a prominent and conspicuous place on the front, near-side of the vehicle with all particulars legible from the front of the vehicle;

“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 Order specified in Schedule 1 to this Order is hereby varied as specified in that Schedule.

Parking Places

7. (a) Each of the parts of a road specified in Schedule 2 is authorised to be used as a Parking Place 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 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 10 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 12pm-1pm and 6pm-7pm in the lengths of roads, sides of lengths of roads specified in Schedule 2 of this Order unless the vehicle has a valid MG or MH permit.

Suspension of Parking Places

9. (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 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

10. (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.

Exceptions

11. 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.
12. 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 Schedule 2 of this Order.

Contravention and Penalty Charge

13. 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.

DRAFT

SCHEDULE 1

AMENDMENTS TO EXISTING ORDERS

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

a) Amend Item 23 (a) (i) in Schedule 3 relating to a parking bay in Owen Street to read:

(a) The west side;

(i) from a point 26 metres south of its junction with Highland Road in a southerly direction for a distance of 117 metres

b) Delete Item 29 (a) (i) and (b) (i) in Schedule 3 relating to 2 parking bays in Ward Road

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SCHEDULE 2

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

Lengths of Roads and Sides of Lengths of Roads

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE	
1. OWEN STREET	The west side from a point 5 metres south of its junction with Highland Road in a southerly direction for a distance of 21 metres
2. WARD ROAD	(a) The east side from a point 9 metres south of its junction with Highland Road in a southerly direction for a distance of 11 metres (b) The west side from a point 6 metres south of its junction with Highland Road in a southerly direction for a distance of 30 metres

COUNCIL'S STATEMENT OF REASONS FOR THE ORDER

- To propose a change to two parking bays within the MG parking zone, near the boundary of the MH parking zone, to allow shared use of the parking bays by adjacent permit holders (MG and MH). Approximately 6-7 parking spaces are affected by this Order.

Given under the Common Seal
of the City of Portsmouth this

day of

2021.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in the)
presence of:)

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Authorised Signatory