

THE PORTSMOUTH CITY COUNCIL (EASTERN PARADE AND ST HELEN'S PARADE) (PARKING PLACES AND AMENDMENTS TO WAITING RESTRICTIONS) (NO. 78) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the council”), in exercise of the powers under Sections 1, 2, 4, 32, 33 and 35 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:

1. This Order may be cited as The Portsmouth City Council (Eastern Parade and St Helen's Parade) (Parking Places and Amendments to Waiting Restrictions) (No.78) Order 2021 and shall come into operation on the 23 November 2021.

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 Schedules 2 and 3 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

- (a) 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;
- (b) A vehicle displays a parking permit in the relevant position if –
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) 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.

'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;

'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 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.
- 6. The Orders specified in Schedule 1 to this Order are hereby varied as specified in that Schedule.

Parking Places

- 7. No person shall cause or permit any vehicle to wait between the hours of 8am to 7pm on any day in the roads, lengths or roads, sides of roads and sides of lengths or roads specified in Schedule 3:
 - (i) For a period longer than 3 hours, or return by that vehicle within 4 hours of leaving to any length of road specified in Schedule 3.
- 8. Each part of the highway described in Schedule 2 is designated as a Parking Place.
- 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 adjacent to the kerb.
- 10. No person shall cause or permit a vehicle to be used in a Parking Place described in Schedule 2 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 2 if the use of that Parking Place has been suspended in accordance with Article 12 below.

Suspension of Parking Places

12. 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.
13. 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.
14. 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

15. 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.
16. 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.
17. 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

18. Nothing in Article 7 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 roads, lengths of roads or sides of lengths of roads described in Schedule 2.
19. Nothing in Article 7 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

20. A failure by any person to comply with any requirement of this Order shall be a contravention of this Order and a Penalty Charge Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act. The Penalty Charge shall be payable by the Owner.

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 2021
 - a) Amend Item 14 in Schedule 87 relating to a disabled bay in Eastern Parade to read:

The south side from a point 28 metres east of the projected east side of Festing Road in an easterly direction for a distance of 8 metres
2. The Portsmouth City Council (MF Zone Extension) (Residents' Parking Places and Waiting Restrictions) (No.50) Order 2020
 - a) Amend the MF permit eligibility in Schedule 4 to include:

All properties on the south side of St Helen's Parade and Eastern Parade, opposite the MF parking zone
3. The Portsmouth City Council (MF Zone: Craneswater Area) (Residents' Parking Places and Waiting Restrictions) (No.64) Order 2019
 - a) Amend the MF permit eligibility in Schedule 4 to include:

All properties on the south and south-east sides of St Helen's Parade, opposite the MF parking zone
4. The Portsmouth City Council (MG Zone: Festing Grove Area) (Residents' Parking Places and Waiting Restrictions) (No.49) Order 2020
 - a) Amend the MG permit eligibility in Schedule 4 to include:

All properties on the south side of Eastern Parade, opposite the MG parking zone

SCHEDULE 2

WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 4 HOURS

8AM – 7PM

Lengths of Roads and Sides of Lengths of Roads

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE	
1.	EASTERN PARADE
(a)	The south side,
(i)	from a point 43 metres east of the projected east side of Spencer Road in a westerly direction for a distance of 150 metres
(ii)	from the projected east side of Helena Road in a westerly direction for a distance of 33 metres
(b)	The south-east side,
(i)	from a point 10 metres south-west of its junction with St George's Road in a south-westerly and westerly direction for a distance of 225 metres
(ii)	from a point 241 metres west of its junction with St George's Road in a westerly direction for a distance of 93 metres
(iii)	from a point 17 metres west of the projected west side of Cousins Grove in a westerly direction for a distance of 16 metres
2.	ST HELEN'S PARADE
(a)	The south-east side from a point 3 metres south-west of the projected south-west side of St Helen's Close, in a south-westerly direction for a distance of 92 metres
(b)	The east side from a point 13 metres north of the projected north side of Granada Road in a northerly direction for a distance of 112 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;
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- 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);
- To manage parking congestion and provide regulated parking facilities for improved access to amenities.

Given under the Common Seal
of the City of Portsmouth this 12th day of November 2021.

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:-)



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Authorized Signatory



REGISTRY No.
79554