

THE PORTSMOUTH CITY COUNCIL (JB LANDPORT) (RESIDENTS' PARKING ZONE AMENDMENTS) (NO.16) ORDER 2018

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under Sections 45 and 53 of the Road Traffic Regulation Act 1984 (“the Act”), as amended by the Road Traffic Act 1991 (“the 1991 Act”), 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 in accordance with Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

GENERAL

1. (1) ‘badges regulations’ means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“business” means a business which is registered for the purpose of paying non-domestic rates and is at a postal address that is in any road or part of a road or zone specified in Schedules 2 and 3 to this Order;

‘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;

‘driver’, in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

‘motorcycle’ means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the unladen weight of which does not exceed 410 kilograms;

‘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 place’ means any part of the highway designated by this Order to be used as a place to park a vehicle;

“parking zone” means those Parking Places named in Schedule 2 and designated within the boundary shown in Schedule 3;

‘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;

"permit" means a permit authorised and/or issued by the Council 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

'relevant position' means

- (a) a disabled person's badge displayed in the manner prescribed by regulation 12 of the Badges Regulations;
- (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;

"resident" means a person whose main place of residence is at a postal address that is in any road or part of a road specified in Schedules 2 and 3 to this Order;

'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;

- (2) 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.

- 2. The Order specified in Schedule 1 shall have effect subject to the amendments specified below the said Order of the said Schedule.

PARKING PLACES

3. Parking Permits:

- (a) Each of the parts of a road specified in Schedule 2 is authorised to be used as a Parking Place during such hours as are specified in that Schedule 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; or
 - (v) parked for a period not exceeding 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the

same vehicle in the Parking Zone on the same day), between the hours of 9am and 6pm

- (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 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.
- (e) 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 6.
- (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.

4. Moving or Removal of Vehicles

- (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 paragraphs (b) or (c) 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 (b) or (c) of this Article shall make such arrangements as are reasonable for the safety of the vehicle in the place to which it is removed

5. Obtaining Resident, Visitor and Business Parking Permits

- (a) There are three classes of Permit although the Council may add to, alter or amend these:
 - (i) Resident Permit;
 - (ii) Business Permit;
 - (iii) Visitor Permit.
- (b) Any Resident and/or any person (including a partnership or body corporate) who manages and/or owns a business within the zone may apply to the Council for the issue of a Permit for the parking of a vehicle in a Parking Place described in Schedule 2 or Schedule 3. The application shall be made on a form issued by the Council or completed online and shall include all the details required by the Council.
- (c) Any Resident may apply to the Council for the issue of a Visitor's Permit for the parking of a vehicle which belongs to a person visiting that Resident and, subject

to the other provisions of this Article, the Council shall issue a Visitor Permit to that Resident.

- (d) A Visitor Permit shall be valid on a particular day or days only if it has been validated and, in the case of a physical permit, displayed in accordance with the instructions and conditions of use shown upon the Permit.
- (e) The Council may require any person applying for a Permit to produce to an Officer of the Council such evidence as it reasonably requires to verify and/or supplement any details provided by or on behalf of the person applying.
- (f) The Council may, if satisfied that all the relevant criteria are met;
 - (i) Issue one Permit for parking in a Parking Place to the Owner of a vehicle or to any person using the vehicle with the consent of the Owner at the current rate; or
 - (ii) Authorise parking electronically whereby a physical permit is not required to be issued
- (g) A Permit will not be issued for parking any vehicle with a gross vehicle weight in excess of 3500kg.
- (h) A Permit shall cease to be valid on the occurrence of any one or more of the following events;
 - (i) the Permit holder ceasing to be a Resident;
 - (ii) the Permit holder or his agent misusing or allowing to be misused the Permit;
 - (iii) the issue of a duplicate Permit by the Council under the provisions of paragraphs (k) to (n) of this Article;
 - (iv) the expiry of the period for which the Permit was issued;
 - (v) the details on the Permit do not correspond with the vehicle in which it is displayed;
 - (vi) the details on the Permit have ceased to be readily legible or have been altered; or
 - (vii) all the details, as required by the Council, have not been provided by the applicant.
- (i) A Permit Holder shall surrender any Permit that has been issued to him/her to the Council immediately upon the occurrence of any of the events set out in paragraph (h) of this Article.
- (j) the Council may by notice in writing sent to the Permit Holder at the address given by that person on the application form for the Permit or at any other address believed to be the Permit Holder's residence withdraw a permit if it appears to the Council that any of the events set out in paragraph (h) of this Article have occurred, and the Permit Holder shall surrender the Permit to the Council within 48 hours of the said notice.
- (k) If a Permit is mutilated or defaced and the details on it have become illegible, the Permit Holder shall surrender the Permit to the Council and may then apply to the Council for the issue of a duplicate Permit, at the current rate.
- (l) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit, at the current rate.

- (m) The provisions of this Order shall also apply to the issue of a replacement Permit.
- (n) Any Permit issued by virtue of the provisions of paragraphs (k) or (l) of this Article shall be marked as a duplicate.
- (o) A physical Permit shall include the following details:
 - (i) a serial number identifying the premises in respect of which the Permit has been issued;
 - (ii) the period during which, subject to the provisions of this Order, the Permit shall remain valid;
 - (iii) an authentication that the Permit has been issued by the Council;
 - (iv) the Parking Zone reference; and
 - (v) vehicle registration mark, if appropriate.

- 6. (1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place specified in Schedule 2 or any part thereof whenever he/she considers such suspension reasonably necessary:
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety,
 - (b) for;
 - (i) the purpose of any building operation, demolition, or excavation adjacent to the Parking Place,
 - (ii) the maintenance, improvement, or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place,
 - (iii) the laying, erection, alteration, or repair in or adjacent to the Parking Place of any sewer or of any main pipe or apparatus for the supply of gas, water, or electricity, or of any telecommunication system, or
 - (iv) the placing, maintenance, or removal of any traffic sign,
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-place adjacent to the parking place from or to a depository or another office or dwelling-place,
 - (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed, or
 - (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings, funerals, civic event or similar occasion.
- (2) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that Parking Place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited.
- (3) 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

MISCELLANEOUS

7. 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.
8. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.
9. This Order may be cited as The Portsmouth City Council (JB Landport) (Residents' Parking Zone Amendments) (No.16) Order 2018 and shall come into operation on the 28 August 2018.

SCHEDULE 1
(See Article 2)

AMENDMENTS TO EXISTING ORDER

**1. The Portsmouth City Council (Various Roads) (Residents Parking Places) (No. 9)
Consolidation Order 2016**

- a) Delete Item 3. JB LANDPORT in Schedule 3**

SCHEDULE 2

(See Articles 3-6)

RESIDENTS' PARKING PLACES 9AM - 6PM

WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2 HOURS

JB LANDPORT PERMIT HOLDERS EXEMPT



Lengths of Roads and Sides of Lengths of Roads

1. JB LANDPORT

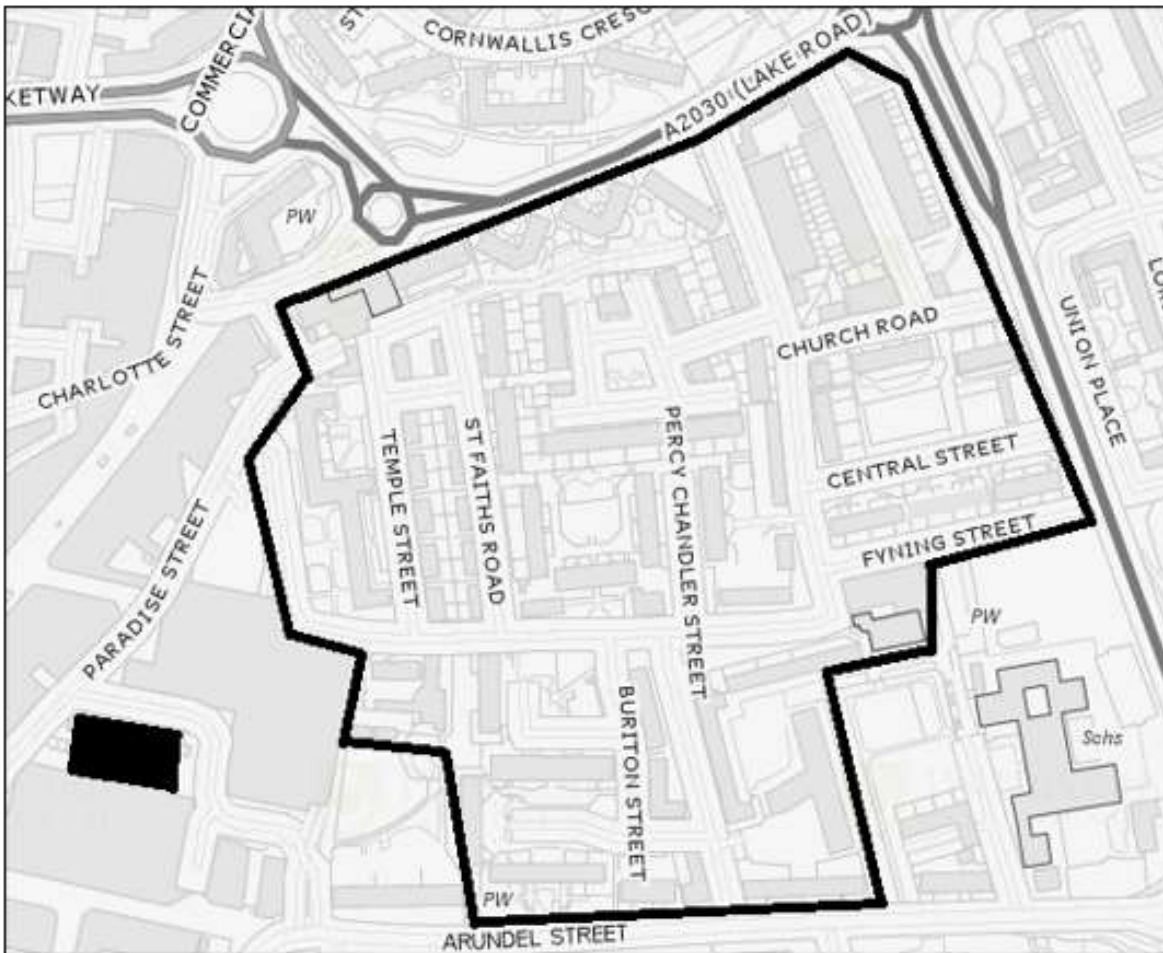
AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE	POSITION IN WHICH VEHICLE MAY WAIT
1. ALEXANDRA ROAD	
(a) The east side from a point 7 metres south of its junction with Lake Road to a point 10 metres north of its junction with Church Road	Parallel
(b) The west side from a point 37 metres south of its junction with Lake Road in a southerly direction for a distance of 14 metres	Parallel
2. APRIL SQUARE	
(a) The north side from a point 10 metres west of its junction with Alexandra Road in a westerly direction for a distance of 15 metres	Parallel
(b) The south side, the parking bays set back from the carriageway opposite nos. 38-41	90' to kerb
3. BURITON STREET	
The east side from a point 5 metres south of its junction with Crasswell Street to a point 40 metres west and north of its junction with Landport Street	Parallel
4. CENTRAL STREET	
The south side;	
(a) from a point 12 metres east of its junction with Charles Street in an easterly direction for a distance of 47 metres	Parallel
(b) from a point 84 metres east of its junction with Charles Street in an easterly direction for a distance of 13 metres	Parallel
(c) from a point 104 metres east of its junction with Charles Street in an easterly direction for a distance of 10 metres	Parallel
5. CHARLES STREET	
The west side;	
(a) from a point 7 metres north of its junction with Crasswell Street in a northerly direction for a distance of 20 metres	Parallel
from a point 30 metres north of its junction with Crasswell Street in a northerly direction for a distance of 9 metres	Parallel
(c) from a point 49 metres north of its junction with Crasswell Street to its junction with Alexandra Road	Parallel
6. CHURCH PATH NORTH	
Both sides from a point 3 metres east of its junction with Temple Street to a point 3 metres west of its junction with St. Faith's Road	Parallel

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE	POSITION IN WHICH VEHICLE MAY WAIT
<p>7. CHURCH ROAD</p> <p>(a) The north side;</p> <p>(i) from a point 13 metres east of its junction with Alexandra Road to a point 5 metres west of its junction with Drummond Road</p> <p>(ii) from a point 2 metres east of its junction with Drummond Road to its eastern end</p> <p>(b) The south side;</p> <p>(i) from a point 5 metres east of its junction with Charles Street in an easterly direction for a distance of 60 metres</p> <p>(ii) from a point 23 metres east of its junction with Charles Street in an easterly direction for a distance 39 metres</p> <p>(iii) from a point 69 metres east of its junction with Charles Street in an easterly direction for a distance of 29 metres</p>	<p>Parallel</p> <p>Parallel</p> <p>Parallel</p> <p>90' to kerb</p> <p>90' to kerb</p>
<p>8. CRASSWELL STREET</p> <p>The north side;</p> <p>(a) from a point 8 metres west of its junction with Charles Street to its junction with Percy Chandler Street</p> <p>(b) from its junction with Percy Chandler Street in a westerly direction for a distance of 37 metres</p> <p>(c) from its junction with St Faith's Road in an easterly direction for a distance of 38 metres</p> <p>(d) from a point 3 metres east of its junction with Temple Street to a point 3 metres west of its junction with St Faith's Road</p>	<p>Parallel</p> <p>Parallel</p> <p>Parallel</p> <p>Parallel</p>
<p>9. DRUMMOND ROAD</p> <p>Both sides from a point 7 metres north of its junction with Church Road in a northerly direction for a distance of 96 metres</p>	<p>Parallel</p>
<p>10. FYNING STREET</p> <p>The north side from a point 5 metres east of its junction with Charles Street to its eastern end</p>	<p>Parallel</p>
<p>11. PERCY CHANDLER STREET</p> <p>The east side in the layby</p>	<p>Parallel</p>
<p>12. TEMPLE STREET</p> <p>(a) The west side;</p> <p>(i) from a point 6 metres north of its junction with Crasswell Street in a northerly direction for a distance of 22 metres</p> <p>(ii) from a point 64 metres north of its junction with Crasswell Street in a northerly direction for a distance of 14 metres</p> <p>(iii) from a point 30 metres south of its northern end in a southerly direction for a distance of 13 metres</p> <p>(b) The east side;</p> <p>(i) from a point 6 metres north of its junction with Crasswell Street to a point 1 metre south of its junction with Church Path North</p> <p>(ii) from its junction with Church Path North to a point 4 metres south of its junction with Commercial Place</p>	<p>Parallel</p> <p>Parallel</p> <p>Parallel</p> <p>Parallel</p> <p>Parallel</p>

SCHEDULE 3
(See Article 1)

Key:  Zone boundary
  Property outside Zone entitled to apply for permits

JB LANDPORT ZONE



CITY COUNCIL'S REASONS FOR THE ORDER

A local authority may by virtue of sections 45 and 53 of The Road Traffic Regulation Act 1984 (the 1984 Act) authorise by order the use of any part of a road within its area as a parking place. As per the decision taken by the Cabinet Member for Traffic & Transportation in July 2015, all parking zones are being reviewed. This order relates to the JB Landport residents' parking zone, and the amendment to the free parking period reflects the decision made following consultation on the proposal.

Given under the Common Seal
of the Portsmouth City Council this 15th day of August 2018.

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:)



LC
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Authorised Signatory IAN CLARK