

# **THE PORTSMOUTH CITY COUNCIL (HIGHBURY STREET) (RESIDENTS' PARKING PLACE AND WAITING RESTRICTIONS) (NO.86B) ORDER 2020**

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 (Highbury Street) (Residents' Parking Place and Waiting Restrictions) (No.86B) Order 2020 and shall come into operation on 19 September 2022.

## 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;

‘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;

‘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 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;

- 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 disc 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.

‘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 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.
4. 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
6. The Orders specified in Schedule 1 to this Order are hereby varied as specified in that Schedule.

### Waiting Restrictions

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 in the lengths of roads, and sides of lengths of roads specified in Schedule 2.

## Parking Places

8. Each of the parts of a road specified in Schedule 3 is authorised to be used as a Parking Place subject to the following provisions:
  - (a) Where in Schedule 3 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.
  - (b) 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.
  - (c) 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.
  - (d) No person shall use a Parking Place if the use of that Parking Place has been suspended in accordance with Article 9 below.
  - (e) 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.
9. No person shall cause or permit any vehicle to wait on any day in the lengths of roads, and sides of lengths of road specified in Schedule 3 of this Order;
  - (a) for a period longer than 1 hour; or
  - (b) if a period of less than 2 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
  - (c) unless the vehicle has a valid KA permit.

## 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 3 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 3 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 3 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 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 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 3 of this Order.
18. Nothing in Articles 7 or 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 purposes.

## Contravention and 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.

## **SCHEDULE 1**

### **AMENDMENTS TO EXISTING ORDER**

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

- a) Delete Item 586 (a) (ii) in Schedule 1 relating to double yellow lines in Highbury Street

## **SCHEDULE 2**

### **PROHIBITION OF WAITING AT ANY TIME**

Lengths of Road and Side of Length of Road

#### **1. Highbury Street**

The north-east side, from its junction with St Thomas's Street in a south-easterly direction for a distance of 48 metres

**SCHEDULE 3**

**RESIDENTS' PARKING PLACES**

**KA PERMIT HOLDERS**

**OR**

**WAITING LIMITED TO 1 HOUR, NO RETURN WITHIN 2 HOURS**

Lengths of Road and Side of Lengths of Road

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE
1. Highbury Street A single bay at the south-eastern end, 5 metres in length



## SCHEDULE 4

### PERMIT CHARGES

Permit charges are subject to change via statutory process.

Parking Zone 1	Type of Permit 2	Charges 3
Parking Places as described in Schedule 3 to this Order	Resident permit: 1 <sup>st</sup> Resident permit: 2 <sup>nd</sup> Subsequent Resident permits	£30.00 per annum £120.00 per annum £300.00 per annum
	Business permit: 1 <sup>st</sup> Business permit: 2 <sup>nd</sup> Subsequent Business permit	£150.00 per annum £300.00 per annum £630.00 per annum
	Visitor permit: 12 hours Visitor permit: 24 hours	£1.15 £2.20
	Duplicate or Replacement Permit	£10.00


## **COUNCIL'S STATEMENT OF REASONS FOR THE 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 increase controlled parking provision within a residents' parking zone (KA).

Given under the Common Seal  
of the Portsmouth City Council this 5<sup>th</sup> day of September 2022.

**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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Authorised Signatory



REGISTRY No.  
80273