

## BOROUGH OF EASTLEIGH

### THE BOROUGH OF EASTLEIGH (CAUSTON GARDENS AREA) (PROHIBITION AND RESTRICTION OF WAITING)(TENTH ZONE) (RESTRICTED ZONE) ORDER 2004

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 1, 2, 4, 32, 35, 45 and 46 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

#### PART 1- GENERAL

##### Commencement and Citation

1. This Order shall come into operation on 2<sup>nd</sup> December 2004 and may be cited as the "Borough of Eastleigh (Causton Gardens Area) (Prohibition and Restriction of Waiting) (Tenth Zone) (Restricted Zone) Order 2004".

##### Interpretation

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"disabled parking disc" means a device which:-

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" shall have the same meaning as in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

"driver", in relation to a vehicle waiting in a parking place or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or street or part of a street aforesaid;

"goods" includes all chattels personal, other than things in action and money, including postal packets of any description. "Delivery and

collection", in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

"invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such person as defined in Section 136 of the Act;

"motorcycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

"owner", in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

"parking attendant" shall have the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

"parking place" means an area on the highway designated as a parking place by Article 4 of this Order;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"permitted hours" means the period between the hours of 8.00 am and 8.00 pm on Monday to Saturday inclusive or any such day not being Christmas Day, Good Friday or a Bank Holiday being a public holiday;

"postal packet" means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000

"telecommunication apparatus" has the same meaning as in Section 4 of the Telecommunications Act 1984;

"tenth zone" shall mean those roads and lengths of roads specified in the First Schedule to this Order;

"vehicle" means a motor vehicle and "motor vehicle" has the same meaning as in section 136 of the Act.

(2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under 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.

## PART II – AUTHORISATION AND USE OF PARKING PLACES

3. (1) Save as provided in Articles 4 and 16 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a parking attendant cause or permit any vehicle to wait during the permitted hours on the sides of roads or in the lengths of roads specified in the Third Schedule to this Order-

(a) for a longer period than two hours; or

(b) if a period of less than two 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.

(2) Nothing in paragraph (1) of this article shall restrict the power of the Council to close any parking place.

4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge to wait on the side of roads referred to in that Article for a period not exceeding three hours.

5. A driver of a vehicle shall not use a parking place:

(a) So as to unreasonably prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;

(b) When the Council has closed that parking place.

6. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or depart from the parking place.

7. When a vehicle is left in a parking place in contravention of any of the provisions contained in Article 3 of this Order, a person authorised by the Council to do so may remove the vehicle or arrange for it to be removed from that parking place. Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 11 of this Order, a person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
8. Any person removing a vehicle or altering its position by virtue of Article 7 of this Order may do so in such a manner as appears necessary.
9. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 7 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

#### Placing of Traffic Signs

10. The Council shall:

- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act;
- (b) place and maintain on or in the vicinity of each parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles as specified in Article 3 to this Order; and
- (c) carry out such other works as are reasonably required for the purposes of the satisfactory operation of a parking place.

#### Manner of Standing in Parking Places

11. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand, in the case of any parking place:-

- (a) That except where the limits of the parking place are marked out otherwise the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres
- (b) That every part of the vehicle is within the limits of the parking place.

#### Movement of Vehicles in Parking Places in Emergencies

12. A Police Constable in uniform may remove or cause to be moved in cases of emergency, to any place he or she thinks fit, any vehicle left in a parking place.

### Power to Suspend the Use of Parking Places

13.(1) Any person duly authorised by the Council may suspend the use of a parking place or of any part thereof whenever he or she considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or adjacent highway or part of the highway or the laying, erection, alteration, removal 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 apparatus or traffic sign;
- (c) for the purpose of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository provided that such removal is for the convenience of occupiers of premises adjacent to the parking place;
- (d) for the purpose that any street may be thronged or obstructed by reason of some special attraction;
- (e) for the purpose of parking at times of weddings or funerals, or on other special occasions provided that such parking is for the convenience of occupiers of premises adjacent to the parking place;

(2) A Police Constable in uniform or a parking attendant may suspend for not longer than 24 hours the use of a parking place or any part thereof whenever he or she considers that such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

(3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or a part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

(4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being left

- (a) for Police, Fire Brigade or Ambulance purposes;
- (b) owing to the driver being prevented from proceeding by circumstances beyond his or her control or to such waiting being necessary in order to avoid an accident;
- (c) only for as long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;

- (d) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (e) with the permission of
  - (i) the person suspending the use of the parking place or a part thereof in pursuance of paragraph (1) of this Article,
  - (ii) a Police Constable in uniform or a parking attendant.

#### Restriction of Use of Vehicles at Parking Places

14. No person shall use any vehicle, whilst it is in a parking place during the permitted hours, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of a skill or handicraft or service in any other capacity.

Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, goods vehicle of any weight or motorcycle or invalid carriage and the goods are immediately delivered at or taken into the premises adjacent to the vehicle from which the sale is effected.

#### PART III - PROHIBITION AND RESTRICTION OF WAITING

15. Save as provided in Articles 16 and 17 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a parking attendant cause or permit any vehicle to wait at any time in the roads, on the sides of roads, or in any of the lengths of roads specified in the Second Schedule to this Order.

16. Nothing in Articles 3 and 15 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to therein for so long as is necessary to enable-

- (a) a person to board or alight from a 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 operation;
  - ii. the removal of any obstruction by traffic;
  - iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
  - iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;

- (d) the vehicle, if it cannot be 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) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000; or
- (f) the vehicle to be used for Fire Brigades, Ambulance or Police purposes.

17. Nothing in Article 15 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a disabled 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) issued by any local authority to wait on the sides of roads referred to in that Article for a period not exceeding three hours not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road.



## FIRST SCHEDULE

### Tenth Zone

1. Causton Gardens (for its entire length to a point 48 metres north of its junction with Leigh Road)
2. Loveridge Way (for its entire length to a point 16 metres east of its junction with Brookwood Avenue)
3. Public cycle ways and footpaths running through the area connecting Causton Gardens, Loveridge Way and Brookwood Avenue

## SECOND SCHEDULE

### No Waiting at any time

Road	Side	Description
1. Causton Gardens	Both	All parts from a point 48 metres north of Leigh Road northwards, eastwards and westwards to its junctions with Loveridge Way with the exception of the signed and marked public parking bays
2. Loveridge Way	Both	All parts from a point 16 metres east of its junction with Brookwood Avenue eastwards and southwards to its junctions with Causton Gardens with the exception of the signed and marked public parking bays
3. All public cycle ways and footpaths running through the area	Both	All public cycle ways and footpaths running through the area connecting Causton Gardens, Loveridge Way and Brookwood Avenue



Drawing Title: Zone 10

Scale: NTS

Date: 24/02/04

Drawing No: Eastleigh/Zone 10

Drawn By: RTA Associates Ltd

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**Key**

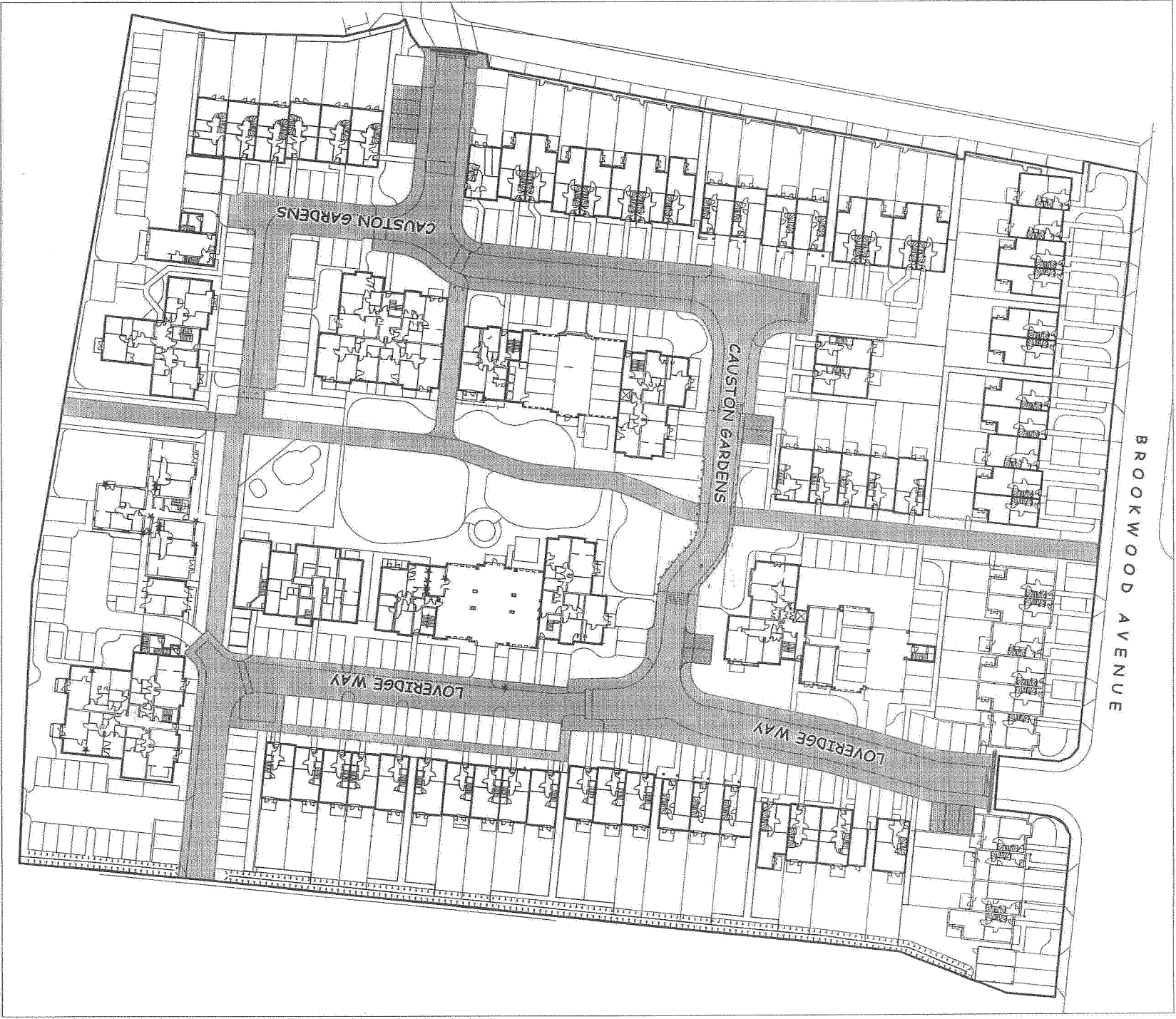
Restricted Zone  
No Waiting At Any Time

Limited Waiting  
Monday to Saturday  
8am-8pm 2 Hours

No Return 2 Hours

Gateways  
(with Restricted Zone Signs)

Zone boundary



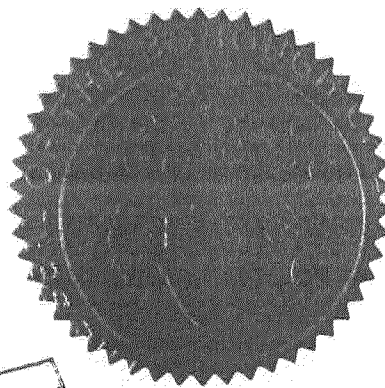


THIRD SCHEDULE  
Waiting Limited to Two Hours Maximum Stay  
(Return Prohibited Within Two Hours)  
8.00am – 8.00 pm Monday to Saturday

Road	Side	Description
1. Causton Gardens (southern arm)	East	From a point 54 metres north of its junction with Leigh Road in a parking place at right angles to the carriageway northwards for a distance of 10 metres
2. Causton Gardens (northern arm to the west)	West	From a point 11 metres south of its junction with the east-west cycle way / footpath in a parking place at right angles to the carriageway southwards for a distance of 5 metres
3. Loveridge Way (east – west section)	North	From a point 18 metres east of its junction with Brookwood Avenue in a parking place at right angles to the carriageway eastwards for a distance of 7.5 metres
4. Loveridge Way (southern arm)	West	From a point 4 metres south of its junction with the east – west section of Loveridge Way in a parking place at right angles to the carriageway southwards for a distance of 5 metres

Dated this 17<sup>th</sup> day of November 2004

THE COMMON SEAL of EASTLEIGH )  
BOROUGH COUNCIL was hereunto )  
affixed in the presence of:- )



*AS*  
Head of Legal & Democratic Services

DATED 17<sup>th</sup> November 2004

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH  
(CAUSTON GARDENS AREA)  
(PROHIBITION AND RESTRICTION  
OF WAITING) (TENTH ZONE)  
(RESTRICTED ZONE) ORDER 2004

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