

FAREHAM

BOROUGH COUNCIL

THE BOROUGH OF FAREHAM (PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES) CONSOLIDATION ORDER 2017

SECTION 1 – PRELIMINARY

The Fareham Borough Council ("the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Council of the County of Hampshire in exercise of the powers of the said County Council under Sections 1, 2, 4, 32, 35, 45, 46, 47 and 49 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and the Traffic Management Act 2004 ("the 2004 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

1. This Order shall come into operation on 16th June 2017 and may be cited as the Borough of Fareham (Prohibition and Restriction of Waiting and Parking Places) (Consolidation) Order 2017.
2. The plans attached hereto in Schedule 4 ("the Plans") are incorporated into this Order.
3. All the traffic regulation orders and parts of traffic regulation orders imposing waiting prohibitions and restrictions and all on street parking places orders which relate to roads in the Borough of Fareham made prior to this Order and listed in Schedule 3 to this Order are hereby revoked. This Order consolidates all the contents of those orders in this Order.

Definitions

4. In this Order:-

"Business Visitor Permit" shall mean a permit issued to businesses which comply with the conditions listed in Article 42.

"Civil Enforcement Officer" means a person in uniform authorised by or on behalf of the Council

"Disabled Coach" means a Public Service Vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981, displaying in the Relevant Position a Disabled Person's Badge.

"Disabled Person's Badge" means either

- (i) a badge in the form prescribed by Regulation 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or
- (ii) a replacement badge issued in accordance with Regulation 7 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Disabled Person's Vehicle" means a Vehicle which displays in the Relevant Position a Disabled Person's Badge.

"Driver" in relation to a Vehicle means the person driving the Vehicle at the time it was left in the Parking Place or the contravention occurred (as the case may be).

"Essential Visitor Permit" shall mean a permit issued to Health Workers who comply with the conditions listed in Article 41.

"Goods" includes postal packets of any description and cash over five kilograms in weight or one thousand pounds value; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection.

"Goods Vehicle" means a Vehicle which is constructed or adapted for use for the carriage of Goods or burden of any description, and is not drawing a trailer.

"Grass Verge" means any unmetalled area between the edge of the carriageway and the highway boundary.

"Hackney Carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847.

"Health Worker" shall mean those carrying out health and medical related activities, such as doctors, nurses and midwives.

"Loading" means the loading or unloading of Goods to or from a Vehicle.

"Motor Cycle" has the same meaning as that in Section 136 of the Road Traffic Regulation Act 1984.

"Motor Vehicle" has the same meaning as that in Section 136 of the Road Traffic Regulation Act 1984.

"No Loading Hours" means in relation to any No Loading Road the hours during which Loading is prohibited as specified on the Plans.

"No Loading Road" means any of the sides or lengths of roads identified on the Plans where Loading is restricted during the No Loading Hours save that the expression "No Loading Road" shall not include any Parking Place so authorised pursuant to Section 3 of this Order.

"No Stopping Hours" means in relation to any No Stopping Road the hours during which stopping is prohibited as specified on the Plans.

"No Stopping Road" means any of the sides or lengths of roads identified on the Plans where stopping is restricted during the No Stopping Hours as specified in the Plans.

"Owner" in relation to a Vehicle means the registered keeper under the Vehicle Excise and Registration Act 1994 at the time of the contravention.

"Parking Disc" means a device which

- (a) is 125 millimetres square and 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.

"Parking Place" means any parking place on a road authorised or designated by this Order.

"Passenger Vehicle" means a Vehicle (other than a Motor Cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than 12 passengers exclusive of the Driver and not drawing a trailer.

"Pedal Cycle" means a unicycle, bicycle, tricycle, or a cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a Vehicle.

"Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council under the provisions of Part 6 of the Traffic Management Act 2004 which is to be paid to the Council within 28 days beginning with the date of the Penalty Charge Notice, or 14 days in the case of a Reduced Penalty Charge, following the issue of a Penalty Charge Notice, or 21 days in the case of a Penalty Charge Notice sent by post (Postal PCN).

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004 Act containing the particulars therein required.

"Permit Holder" means a person to whom a permit has been issued under the provisions of this Order.

"Permitted Hours" means in relation to any of the roads listed in Schedule 1 to this Order the hours during which waiting or Loading is permitted as specified on the Plans.

"Prohibited Road" means any of the sides or lengths of roads identified on the Plans where waiting is prohibited save that the expression "Prohibited Road" shall not include any Parking Place so authorised pursuant to Section 3 of this Order.

"Public Service Vehicle" has the meaning given in Section 1 of the Public Passenger Vehicles Act 1981.

"Relevant Position" means:-

- (i) A Vehicle displays a Disabled Person's Badge in the Relevant Position if:-
 - (a) the badge is exhibited on the dashboard or fascia of the Vehicle, or
 - (b) where the Vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the Vehicle.

so that the front of the badge is clearly legible from the outside of the Vehicle.

- (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.

- (iii) A Vehicle displays a permit or Waiver Certificate in the Relevant Position if:-
 - (a) in the case of a Vehicle fitted with a dashboard or fascia panel, the permit or Waiver Certificate is exhibited thereon so that the details shown on the front of the permit or Waiver Certificate are legible from outside the Vehicle;Or
 - (b) in the case of a Vehicle not so fitted, the permit or Waiver Certificate is exhibited in a conspicuous position on the Vehicle so that the details shown on the front of the permit or Waiver Certificate are legible from outside the Vehicle.

"Residents' Carer Permit" shall mean a permit issued to a resident carer of any person who is a resident of the roads listed in Schedule 1 who complies with the conditions listed in Article 43.

"Residents Parking Area" means any of the sides or lengths of roads or group of sides or lengths of roads that makes up a residents parking area as specified in Schedule 1.

"Residents' Permit" shall mean a permit issued to any person who is a resident of the roads listed in Schedule 1 and who complies with the conditions listed in Article 40.

"Restricted Hours" means in relation to any Restricted Road the hours during which waiting is restricted as specified on the Plans.

"Restricted Road" means any of the sides or lengths of roads identified on the Plans where waiting is restricted or specified activities are restricted during the Restricted Hours save that the expression "Restricted Road" shall not include any Parking Place so authorised pursuant to Section 3 of this Order.

"Vehicle" means motor vehicle as defined in Section 136 of the Act.

"Visitor Day Permit" shall mean a permit issued to a visitor of a resident who lives in any of the roads listed in Schedule 1 and who complies with the conditions listed in Article 44. The Visitor Day Permit allows parking for up to 24 hours by visitors in the relevant Residents Parking Area.

"Visitor Four Hour Permit" shall mean a permit issued to a visitor of a resident who live in any of the roads listed in Schedule 1 and who complies with the conditions listed in Article 44. The Visitor Four Hour Permit allows parking for up to four hours by visitors in the relevant Residents Parking Area.

“Waiver Certificate” means a certificate duly issued on behalf of the Council permitting a Vehicle to wait in specified circumstances on a length or lengths of roads where waiting of that Vehicle would otherwise be prohibited.

Reference to the masculine shall include the feminine

5. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
6. A reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule having that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.

SECTION 2 – PROHIBITION, RESTRICTION AND LIMITED WAITING

7. Prohibition of Waiting

Save as provided in Article 12 no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer cause or permit a Vehicle to wait at any time on the side and lengths of a Prohibited Road as identified on the Plans.

8. No Stopping

Save as provided in Article 12 no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit a Vehicle to stop on the sides and lengths of a No Stopping Road during the No Stopping Hours as specified on the Plans.

9. Restriction of Waiting

Save as provided in Article 12 no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit a Vehicle to wait on the sides and lengths of a Restricted Road during the Restricted Hours as specified on the Plans.

10. Limited Waiting

Save as provided in Article 12 no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit a Vehicle of the specified class to wait on any Restricted Road in respect of which there is specified on the Plans a period during the Restricted Hours in which waiting is allowed, for a period longer than specified on the Plans or if a period less than that specified on the Plans as being the period in which the Vehicle shall not return has elapsed since a previous period of waiting by the same Vehicle on the same side and same length of road.

11. Prohibition Of Vehicles And Pedal Cycles On Grass Verges

Save as provided in Article 12 no person shall, except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer, drive or park any Vehicle or Pedal Cycle on the areas of Grass Verges in the side and lengths of roads specified in the Plans.

12. Exemptions

- (1) It is not unlawful to cause or permit a Vehicle to wait on a side or length of road specified as a Prohibited Road, Restricted Road or No Stopping Road for so long as may be necessary to enable –
 - (a) a person to board or alight from the Vehicle except on a No Stopping Road.
 - (b) the Vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in or in connection with any of the following operations, namely

- (i) building, engineering or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of such length of road; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, such 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 as defined in the Telecommunications Act 1984.
- (c) 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 water company in pursuance of statutory powers or duties.
- (d) the Vehicle to be used for fire services, ambulance or police purposes or in connection with a funeral provided always that the Vehicle being used for fire service, ambulance or police purposes is a liveried Vehicle.
- (e) the Vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000.
- (f) the Vehicle to be used in the delivery or collection of Goods or Loading except in respect of a No Loading Road.
- (g) the avoidance of an accident.
- (2) It is not unlawful to cause or permit a Disabled Person's Vehicle to wait on a side or length of Restricted Road for a period not exceeding 3 hours if –
- (a) the Vehicle displays a valid Disabled Person's Badge and a Parking Disc in the Relevant Position
 - (b) the time at which the period of waiting commenced is marked on the Parking Disc; and
 - (c) a period of at least 1 hour separated the commencement of the period of waiting from any previous period of waiting on that length of road on the same day.
- (3) It is not unlawful to cause or permit a Vehicle to wait on a side or length of Prohibited or Restricted Road if the Vehicle displays in the Relevant Position a valid Waiver Certificate or permit issued by the Council and the Vehicle is waiting in accordance with the terms and conditions of the said certificate or permit.

Prohibition/Restriction of Loading

13. Save as provided in Article 15 no person shall cause or permit the Loading of any Vehicle on the sides and lengths of a No Loading Road during the No Loading Hours as specified in the Plans.
14. No person shall cause or permit a Disabled Persons Vehicle to wait on the sides and lengths of a No Loading Road during the No Loading Hours as specified on the Plans.

Exemptions

15. (1) It is not unlawful to cause or permit a Vehicle to wait on a side or length of road identified as a No Loading Road during the No Loading Hours for so long as may be necessary to enable –

- (a) the Vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in or in connection with any of the following operations, namely
 - (i) building, engineering or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of such length of road; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, such 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 as defined in the Telecommunications Act 1984
 - (b) 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 water company in pursuance of statutory powers or duties.
 - (c) the Vehicle to be used for fire services, ambulance or police purposes or in connection with a funeral provided always that the Vehicle being used for fire service, ambulance or police purposes is a liveried Vehicle.
 - (d) the Vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000.
 - (e) the avoidance of an accident.
- (2) It is not unlawful to cause or permit a Vehicle to wait on a side or length of a No Loading Road if the Vehicle displays in the Relevant Position a valid Waiver Certificate issued by the Council and the Vehicle is waiting in accordance with the terms and conditions of the said certificate.

SECTION 3 – PARKING PLACES

Authorised Parking Places for Hackney Carriages

- 16. The sides and lengths of roads identified on the Plans as a taxi rank are hereby authorised as Parking Places for Hackney Carriages.
- 17. Save as provided in Article 27 no person shall except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer cause or permit any Vehicle other than a Hackney Carriage to wait in a Parking Place for Hackney Carriages.
- 18. No person shall cause or permit a Hackney Carriage to wait in a Parking Place for Hackney Carriages during the period of operation of the taxi rank as specified on the Plans other than for the purpose of plying for hire.
- 19. No person shall cause or permit a Hackney Carriage or other Vehicle to wait in a Parking Place for Hackney Carriages outside the period of operation of the taxi rank as specified on the Plans.

Authorised Parking Places For Disabled Person's Vehicles

- 20. The sides and lengths of roads specified on the Plans as for disabled badge holders only are hereby authorised as Parking Places for Disabled Person's Vehicles on such days and during such hours as specified in the Plans.

21. Save as provided in Article 27 no person shall except upon the direction of a Police Officer in uniform or Civil Enforcement Officer cause or permit a Vehicle to wait in a Parking Place for Disabled Person's Vehicles on such days and during such hours as specified in the Plans.
22. It is not unlawful to cause or permit a Vehicle to wait in a Parking Place for Disabled Person's Vehicles for the period not exceeding that specified in the Plans,
- (a) if the Vehicle displays in the Relevant Position a Disabled Person's Badge and, where a time limit applies, a Parking Disc;
 - (b) where a time limit applies the quarter-hour period during which the period of waiting commenced is marked on the Parking Disc; and
 - (c) where a period of not less than that specified on the Plans has elapsed since the previous period of waiting on the same length of road by the same Vehicle on the same day.

Authorised Parking Places for Disabled Coaches

23. The sides and lengths of roads identified on the Plans for Disabled Coaches only are hereby authorised as Parking Places for Disabled Coaches on such days and during such hours as specified on the Plans.
24. Save as provided in Article 27 no person shall except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer cause or permit a Vehicle other than a Disabled Coach to wait in a Parking Place for Disabled Coaches on such days and during such hours as specified on the Plans.

Authorised Parking Places for Loading by Goods Vehicles

25. The sides and lengths of road identified on the Plans for Loading by Goods Vehicles are hereby authorised as Parking Places for Loading for Goods Vehicles on such days during such hours as specified in the Plans.
26. Save as provided in Article 27 no person shall, except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait in any Parking Place for Loading except for Loading by a Goods Vehicle for a period not longer than that specified in the Plans, if any.

Exemptions

27. (1) It is not unlawful to cause or permit a Vehicle to wait on a side or length of road identified as a Parking Place and so authorised or designated under this Section 3 of this Order for so long as may be necessary to enable –
- (a) the Vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in or in connection with any of the following operations, namely
 - (i) building, engineering or demolition operations.
 - (ii) the removal of any obstruction to traffic.
 - (iii) the maintenance, improvement or reconstruction of such length of road; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, such 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 as defined in the Telecommunications Act 1984.

- (b) 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 water company in pursuance of statutory powers or duties.
 - (c) the Vehicle to be used for fire services, ambulance or police purposes or in connection with a funeral provided always that the Vehicle being used for fire service, ambulance or police purposes is a liveried Vehicle.
 - (d) the Vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000.
 - (e) the avoidance of an accident.
- (2) It is not unlawful to cause or permit a Vehicle to wait in an authorised Parking Place if the Vehicle displays in the Relevant Position a valid Waiver Certificate issued by the Council and the Vehicle is waiting in accordance with the terms and conditions of the said certificate.

SECTION 4 – RESIDENTS' PERMIT PARKING PLACES

- 28. The sides and lengths of road identified in the Plans as parking for Permit Holders are hereby designated as Parking Places for Permit Holders for such Vehicles on such days and during such hours subject to the provisions of this Order and as specified on the Plans.
- 29. Save as provided in Article 46, no person shall, except upon the direction or with the permission of a Police Officer in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait between the Permitted Hours in the Residents Parking Areas specified in the Plans unless a valid permit relating to that Residents Parking Area, issued in accordance with the provisions of this Order is displayed on the Vehicle in the Relevant Position.
- 30. Permit types available are Residents' Permits, Essential Visitor Permits, Business Visitor Permits, Residents' Carer Permits, Visitor Day Permits and Visitor Four Hour Permits.

Provisions as to Residents' Permits, Essential Visitor Permits, Business Visitor Permits, Residents' Carer Permits, Visitor Day Permits and Visitor Four Hour Permits

Display of Permit

- 31. At all times during which the Vehicle is left in any of the Residents Parking Areas during the Permitted Hours there shall be a permit displayed in the Relevant Position
- 32. Where the permit has been displayed on a Vehicle in accordance with the provisions of Article 31, no person, not being the Driver, shall remove the permit from the Vehicle unless authorised to do so by the Driver of the Vehicle.

Removal of Vehicle in an emergency

- 33. A Police Officer in uniform or a Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any Vehicle left in any of the Residents Parking Areas as detailed in Article 59.

Provisions as to Residents' Permits, Essential Visitor Permits and Residents' Carer Permits

- 34. Surrender and Withdrawal of Permit

- (1) A Permit Holder may surrender a permit to the Council at any time.

- (2) The Council, may, by notice in writing served on the Permit Holder by sending the same by the recorded delivery service to the Permit Holder at the address shown by that person on the application for the permit or at any other address believed to be that persons place of abode, withdraw a permit if it appears to the Council that one of the events set out in paragraphs (3) below, has occurred and the Permit Holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of paragraph (2) are:-
 - (a) The Permit Holder ceasing to be a resident.
 - (b) The Permit Holder ceasing to be the Owner or keeper of the Vehicle in respect of which the permit was issued.
 - (c) The Vehicle in respect of which such permit was issued being adapted or used in such a manner that is more than 2 tonnes (40cwt approx) un-laden weight.
 - (d) The issue of a duplicate permit by the Council under the provisions of Article 36.
 - (e) The permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraphs (3)(a) – (3)(e) of this Article.

35. Duplicate/Replacement Permits

- (1) If the permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the Permit Holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon receipt of the permit shall issue a duplicate or replacement permit so marked and upon such issue, the original permit shall become invalid. There will be an administration charge as stated in Schedule 2.
- (2) If the permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate/replacement permit so marked and upon such issue, the original permit shall become invalid. There will be an administration charge as stated in Schedule 2.
- (3) The provisions of this Order shall apply to a duplicate/replacement permit.

Application for a Permit

36. Applications shall be submitted in written or electronic form and shall include the following particulars:-
- (a) The registration mark of the Vehicle in respect of which the permit has been issued, except for the Resident Carers Permit.
 - (b) The period during which the permit intends to remain valid.
 - (c) An indication that the charge appropriate to the period during which the permit shall remain valid has been paid to the Council in connection with the issue of the permit; and
 - (d) The relevant area to which the permit relates.

Charges and Refund of Permits

37. The charge in connection with the issue of a permit for leaving of a Vehicle in any one of the relevant parking areas on the carriageway during the Permitted Hours shall be as specified in Schedule 2.

38. Any resident who is also the holder of a Disabled Persons Badge shall be exempt from the charge on the presentation to the Council of the Disabled Persons Badge.

39. A Permit Holder may apply for a refund of the permit on the following basis:

- (1) A Permit Holder who surrenders a permit to the Council before the permit becomes invalid shall be entitled to a refund of the charge paid in respect of the issues thereof.
- (2) The refund of the charge paid in respect of permit cost the provisions of paragraph (3) of this Article plus an administration charge specified in Schedule 2.
- (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as 1/12th of each of the remaining full months that the permit is valid.

40. Provisions as to Residents' Permits

- (1) Any resident of the roads specified in Schedule 1, who is the Owner or keeper of a Passenger Vehicle or a Goods Vehicle under 2 tonnes in un-laden weight, may apply to the Council for the issue of a permit to allow that Vehicle to wait in the relevant parking area on the carriageway within the Permitted Hours. Any such application shall be made on a form issued by and obtainable from the Council and shall be accompanied by a remittance for such charge specified in Article 37 as is appropriate in respect of the permit for which the application is being made.
- (2) The Council may at any time require an applicant for a permit, or an existing Permit Holder to produce to an officer of the Council such evidence in respect of an application for a permit made by them as they reasonably may require to verify that the application or permit is valid.
- (3) On receipt of an application for a permit duly made under the foregoing provisions of this Article the Council has the right to limit the allocation of permits to the maximum permits per address according to the road as specified in Schedule 1.

41. Provisions as to Essential Visitor Permits

- (1) Health Workers may apply to the Council for the issue of an Essential Visitor Permit to park in any of the roads specified in Schedule 1, provided the Vehicle is a Passenger Vehicle or a Goods Vehicle under 2 tonnes (40cwt) in un-laden weight. Any such application shall be made on a form issued by and obtainable from the Council, and shall include the particulars and information by such form to be supplied and shall be accompanied by a remittance for such charge specified in Article 37 as is appropriate in respect of the permit for which the application is being made.
- (2) The Council may at any time require an applicant for a Essential Visitor Permit, or an existing Permit Holder to produce to an officer of the Council such evidence in respect of an application for a permit made by them as they reasonably may require to verify that the application or permit is valid. Health Workers are only permitted to use the Essential Visitor Permit when carrying out a visit to persons living in the roads listed in Schedule 1.

42. Provisions as to Business Visitor Permits

- (1) Any business with premises in the roads specified in Schedule 1 or which operates in Fareham town centre may apply to the Council for the issue of a permit to allow the person conducting business in that area to wait in the relevant parking area for a period of up to one hour. Any such application shall be made on the form to be supplied and shall be accompanied by a remittance for such charge specified in Article 37 as is appropriate in respect of the permit for which the application is being made.

- (2) The Council may at any time require an applicant for a Business Visitor Permit, or an existing Permit Holder to produce to an officer of the Council such evidence in respect of an application for a permit made by them as they may reasonably require to verify that the application or permit is valid. Business Visitor Permits will require evidence of conducting business or visiting in that area in accordance with clause 42(1).

43. Provisions as to Residents' Carer Permits

- (1) Any resident of the roads specified in Schedule 1, who has a carer visitor, may apply to the Council for the issue of a permit to allow the Vehicle of the carer to wait in the parking area within the Permitted Hours. Any such application shall be made on a form issued by and obtainable from the Council, and shall be accompanied by a remittance for such charge specified in Article 37 as is appropriate in respect of the permit for which the application is being made.
- (2) The Council may at any time require an applicant for a Residents' Carer Permit, or an existing Permit Holder to produce to an officer of the Council such evidence in respect of an application for a permit made by them as they reasonably may require to verify that the application or permit is valid. Applicants for Residents' Carer Permits will normally require prior evidence of a health or medical requirement for visiting.

44. Provisions as to Visitor Day Permits and Visitor Four Hour Permits

- (1) Any resident of the roads specified in Schedule 1 who is eligible for a Residents' Permit can also apply to the Council for Visitor Day Permits or Visitor Four Hour Permits for their visitors. Any such application shall be made on a form issued by and obtainable from the Council, shall include the particulars and information by such form to be supplied and shall be accompanied by a remittance for such charge specified in Schedule 2 as is appropriate in respect of the permit for which the application is being made.
- (2) The Council may at any time require an applicant for Visitor Day Permits, Visitor Four Hour Permit or an existing Permit Holder to produce to an officer of the Council such evidence in respect of an application for a permit made by them as they reasonably may require to verify any particulars or information given to the Council to verify that the application or permit is valid.
- (3) Visitor Day Permits and Visitor Four Hour Permits may only be used:
 - (a) By persons visiting residents of the streets listed in Schedule 1.
 - (b) For the parking of Passenger Vehicle or a Goods Vehicle under 2 tonnes (40cwt) in un-laden weight.
- (4) The Council may decline to issue or restrict the number of Visitor Day Permits or Visitor Four Hour Permits issued.

45. Suspension of a Parking Place

- (1) Any person duly authorised by the Council may suspend the use of the Residents Parking Areas or any part thereof whenever he considers such suspension reasonably necessary.
- (2) A Police Officer in uniform or a Civil Enforcement Officer may suspend for not longer than 24 hours the use of any of the Residents Parking Areas or any part thereof whenever he considers such suspension reasonable necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of any of the Residents Parking Areas or any part thereof pursuant to the provisions of paragraphs (1) or (2) of this Article shall thereupon place or cause to be placed in or adjacent to the relevant areas or part thereof the use of which is suspended, a traffic sign indicating that waiting by Vehicles is prohibited.

46. Exemptions

- (1) Nothing in Article 29 shall render it unlawful to cause or permit any Vehicle to wait in a Parking Place authorised by this Section 4 of this Order during the Permitted Hours for so long as it may be necessary to enable:
 - (a) 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:
 - (i) Building or demolition operations;
 - (ii) The removal of any obstruction to traffic;
 - (iii) The maintenance, improvement or reconstruction of the area;
 - (iv) The laying, erection, alteration or repair in, or in land adjacent to, the area of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus.
 - (b) The Vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority in the pursuance of statutory powers or duties.
 - (c) The Vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000.
 - (d) The Vehicle to be used by a Registered Medical Practitioner, Nurse or Home Help in the course of his/her professional duties.
 - (e) The Vehicle to be used for fire brigade, ambulance or police purposes.
 - (f) The Vehicle is being in use in connection with the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository.
 - (g) For the conveyance of occupiers of premises adjacent to the relevant area at times of weddings or funerals.
 - (h) It is not unlawful to cause or permit a Vehicle to wait in a Residents Parking Area if the Vehicle displays in the Relevant Position a valid Waiver Certificate issued by the Council and the Vehicle is waiting in accordance with the terms and conditions of the said certificate.

SECTION 5 – WAIVER CERTIFICATE

47. The Council may issue a Waiver Certificate on receipt of written application with at least 5 working days' notice and may impose terms and conditions as appropriate.
48. A charge may be made for a Waiver Certificate as determined by the Council from time to time.
49. A Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the Waiver Certificate at any address that the Council believes to be that person's address and the Waiver Certificate shall forthwith be surrendered to the Council.

SECTION 6 – CONTRAVENTION OF ORDER

50. Any Vehicle failing to comply with the provisions of this Order shall be in contravention and a Penalty Charge shall be payable and/or the Vehicle may be removed from that location.

Penalty Charge Notice

51. In the case of Vehicles in respect of which a contravention has occurred pursuant to Article 50 it shall be the duty of the Civil Enforcement Officer to attach to the Vehicle in a conspicuous position a notice which shall include the following particulars.
- (a) the registration mark of the Vehicle or, where the Vehicle is being used under a trade licence, the number of the trade plate carried by the Vehicle.
 - (b) the grounds on which the Civil Enforcement Officer believes that a Penalty Charge is payable in respect of that Vehicle.
 - (c) the amount of Penalty Charge required to be paid.
 - (d) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the Penalty Charge will be reduced by the specified proportion or amount.
 - (e) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to Owner may be served by the Council on the person appearing to be the Owner of the Vehicle.
 - (f) the address to which payment of the Penalty Charge must be sent.
 - (g) the name of the enforcement authority.
 - (h) the date on which the notice is served; and
 - (i) the manner in which the Penalty Charge must be paid.

Manner of Payment of Penalty Charge and Reduced Penalty Charge

52. The Owner of a Vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the Council's Offices within 28 days of the issue of the Penalty Charge OR in cash in person at the Council's Offices not later than as aforesaid OR by credit card or debit card OR electronically through the Council's website.
53. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, or 21 days in the case of a Penalty Charge Notice served by post, the amount of the Penalty Charge will be reduced by 50%. If the 14th or the 21st day (whichever the case may be) falls upon a day on which the Council's offices are closed the period will be extended until 1600 hours on the next day on which the Council's offices are open.
54. Payment shall be received not later than 1600 hours on the 28th day following the day on which such Penalty Charge was incurred PROVIDED THAT if the said 28th day falls upon a day on which the Council's offices are closed the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until 1600 hours on the next day on which the Council's offices are open.
55. If the Owner fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of Part 6 of The Traffic Management Act 2004.
56. Continuing failure to pay the Penalty Charge may result in a debt being registered in the County Court against the Owner to enable the Council to recover the charges due.

Indications as Evidence

57. The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with Article 51 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Restriction on Removal of Notices

58. Where a Penalty Charge Notice has been attached to a Vehicle in accordance with the provisions of Article 50, no person, not being the Driver of the Vehicle, a Police Officer in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council, shall remove the notice from the Vehicle unless authorised to do so by the Owner of the Vehicle.

Removal of Vehicle

59. Where a Civil Enforcement Officer has removed or caused to be removed a Vehicle in accordance with Articles 33 or 50:-
- (a) he shall provide for the safe custody of the Vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of removal, storage and disposal of the Vehicle as it might prescribe from time to time;
 - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such Vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in this Article shall apply in respect of a Vehicle displaying in the Relevant Position a valid Disabled Person's Badge issued by any local authority.

60. Derogation and Precedence over other Orders

- (1) The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- (2) Where the provisions of any order made or having effect as if made under the Act of 1984 which imposes any prohibition or restriction on waiting by Vehicles or grant any exemption from such prohibition or restriction relate to a length of road designated as a Parking Place in this Order the provisions of this Order shall prevail.

THE COMMON SEAL of
FAREHAM BOROUGH COUNCIL
was hereunto affixed this 16th day
of June 2017

15412

In the presence of:

A handwritten signature in black ink, appearing to read 'M. Chae', with a long horizontal flourish extending to the right.

Authorised Signatory

SCHEDULE 1

Roads with residents parking permit bays by Area and Maximum Permit by Road

Road Name (alphabetical order)	Area	Maximum Permits
Avenue Road	Area F	2
Colenso Road	Area E	2
Crescent Road	Area H	2
Deanes Park Road	Area C	2
Derlyn Road	Area E	2
East Street (Nos.40-66 evens)	Area C	2
Gordon Road	Area E	2
Grove Road	Area E	2
Harrison Road	Area A	2
Hartlands Road	Area G	2
High Street, Fareham	Area D	1
Kings Road	Area G	2
Lower Bath Lane	Area C	2
Mead Way	Area A	2
New Road	Area E	2
North Wallington	Area K	2
Old Turnpike (Nos.19 & 2-22 evens)	Area A	2
Osborn Road (Nos 40-52)	Area B	1
Paxton Road	Area F	2
Portland Street	Area G	2
Queens Road	Area G	2
Redlands Lane (Nos 24-32 evens)	Area F	2
Riverside Avenue	Area K	2
Serpentine Road	Area A	2
Southampton Road	Area A	2
Trinity Gardens	Area E	2
Uplands Crescent	Area A	2
Wallington Shore Road	Area K	2
Western Road	Area G	2
Wickham Road (Nos.1-11)	Area A	2
Wickham Road (Beehive Cottages (1-11))	Area A	1

SCHEDULE 2

Charges for Permits

The charges for the permits, by type of permit are as follows:

Residents' Permit	£40 per annum or £75 for 24 months
Essential Visitor Permit	no charge
Residents' Carer Permit	£40 per annum
Visitor Day Permit	£10 per book of 10
Visitor Four Hour Permit	£5 per book of 10
Business Visitor Permit (1 hour)	£40 per annum

The administration charge for duplicate / replacement permits or refunds of part years is charged at £10

SCHEDULE 3

Name of Order	Operation Date
Borough of Fareham (Arundel Drive) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no.23) Order 2013	13 th January 2014
Borough of Fareham (Eric Road) (Prohibition of Waiting and Parking Places) (Amendment no.29) Order 2013	24 th March 2014
Borough of Fareham (A27 Southampton Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no.28) Order 2013	24 th March 2014
Borough of Fareham (Lower Bath Lane) (Prohibition and Restriction of Waiting and Parking Places) Amendment no.30) Order 2013	24 th March 2014
Borough of Fareham (Prohibition and Restriction of Waiting and Parking Places) (Consolidation) Order 2014	1 st April 2014
Borough of Fareham (Wickham Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no.33) Order 2014	12 th May 2014
Borough of Fareham (South Street) (Amendment no 1) Experimental Traffic Order 2014	13 th June 2014
Borough of Fareham (Foxbury Grove) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	21 st July 2014
Borough of Fareham (Funtley Hill) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no1)	21 st July 2014
Borough of Fareham (Arundel Drive) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no1)Order 2014	4 th August 2014
Borough of Fareham (Western Way) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	4 th August 2014
Borough of Fareham (Brook Lane) (prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	4 th August 2014
Borough of Fareham (South Street) (Amendment no 2) Experimental Traffic Order 2014	8 th August 2014
Borough of Fareham (Osborne Road, Upper Spinney) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	11 th August 2014
Borough of Fareham (Havelock Road) (Prohibition and Restriction of Waiting and Parking Places) Order 2014	15 th December 2014
Borough of Fareham (Lower Spinney) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	15 th December 2014
Borough of Fareham (Coldeast Close) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	26 th January 2015

Borough of Fareham (Church Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	26 th January 2015
Borough of Fareham (Bridge Road Service Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	26 th January 2015
Borough of Fareham (Segensworth Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	2 nd February 2015
Borough of Fareham (Southampton Road, Park Gate) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	2 nd February 2015
Borough of Fareham (Castle Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	2 nd February 2015
Borough of Fareham (Titchfield Park Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	2 nd February 2015
Borough of Fareham (Fielder Drive) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2014	2 nd March 2015
Borough of Fareham (The Square, Titchfield) (Prohibition and Restriction of Waiting and Parking) (Amendment no 1) Order 2015	20 th April 2015
Borough of Fareham (Watersmeet) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 1) Order 2015	20 th April 2015
Borough of Fareham (Harper Way) (prohibition and Restriction of Waiting and Parking Places) (Amendment no 3) Order 2015	20 th April 2015
Borough of Fareham (Linden Lea) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 4) Order 2015	20 th April 2015
Borough of Fareham (Cornaway Lane) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no2) Order 2015	20 th April 2015
Borough of Fareham (South Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no7) Order 2015	11 th May 2015
Borough of Fareham (Titchfield Park Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 6) Order 2015	6 th July 2015
Borough of Fareham (Newton Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 5) Order 2015	6 th July 2015
Borough of Fareham (Serpentine Road) (prohibition and Restriction of Waiting and Parking Places) (Amendment no 7) Order 2015	31 st August 2015
Borough of Fareham (Marks Tey Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 13) Order 2015	2 nd November 2015

Borough of Fareham (Portsvie) Avenue) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 8) Order 2015	2 nd November 2015
Borough of Fareham (Sartoris Close) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 10) Order 2015	2 nd November 2015
Borough of Fareham (Shorewood Close) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 9) Order 2015	2 nd November 2015
Borough of Fareham (Havelock Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 11) Order 2015	2 nd November 2015
Borough of Fareham (Harper Way) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 12) Order 2015	2 nd November 2015
Borough of Fareham (Tollgate Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 18) Order 2015	8 th February 2016
Borough of Fareham (Stow Crescent) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 18) Order 2015	8 th February 2016
Borough of Fareham (Brigantine Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 16) Order 2015	8 th February 2016
Borough of Fareham (Victoria Close) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 17) Order 2015	8 th February 2016
Borough of Fareham (A32 Wickham Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 14) Order 2015	8 th February 2016
Borough of Fareham (Western Way) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 32) Order 2014	13 th February 2016
Borough of Fareham (Western Way) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 32) Order 2014	13 th February 2016
Borough of Fareham (Bath Lane Service Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 19) Order 2016	20 th June 2016
Borough of Fareham (The Croft) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 20) Order 2016	25 th July 2016
Borough of Fareham (West Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 21) Order 2016	25 th July 2016
Borough of Fareham (Highlands Road)(Prohibition and Restriction of Waiting and Parking Places) (Amendment no 22) Order 2016	25 th July 2016
Borough of Fareham (Primate Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 23) Order 2016	25 th July 2016

Borough of Fareham (Wickham Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 24) Order 2016	3 rd October 2016
Borough of Fareham (Southampton Road, Park Gate) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 25) Order 2016	3 rd October 2016
Borough of Fareham (Funtley Road) (Prohibition and Restriction of Waiting and Parking Places)(Amendment no 26) Order 2016	3 rd October 2016
Borough of Fareham (Seamead) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 28) Order 2016	3 rd October 2016
Borough of Fareham (St Christopher Avenue) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 30) Order 2016	3 rd October 2016
Borough of Fareham (Green Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 29) Order 2016	3 rd October 2016
Borough of Fareham (West Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 31) Order 2016	23 rd January 2017
Borough of Fareham (Park Lane) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 32) Order 2016	12 th December 2016
Borough of Fareham (West Street/Quay Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 33) Order 2016	23 rd January 2017
Borough of Fareham (High Street) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 34) Order 2016	23 rd January 2017
Borough of Fareham (Harper Way) (Prohibition and Restriction of Waiting and Parking Places)(Amendment no 35) Order 2016	23 rd January 2017
Borough of Fareham (Hollybrook Gardens/Locks Road) (Prohibition and Restriction of waiting and Parking Places) (Amendment no36) Order 2016	23 rd January 2017
Borough of Fareham (Allotment Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 37) Order 2016	20 th February 2017
Borough of Fareham (Barbican Mews) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 38) Order 2016	20 th February 2017
Borough of Fareham (Coach Hill, Titchfield) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 40) Order 2016	20 th February 2017
Borough of Fareham (Fleet End Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 41) Order 2016	20 th February 2017
Borough of Fareham (Maylings Farm Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 43) Order 2016	20 th February 2017

Borough of Fareham (West Street Porchester) (Prohibition and Restriction of Waiting and Parking Place) (Amendment no 45) Order 2016	20 th February 2017
Borough of Fareham (Catisfield Lane) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 39) Order 2016	13 th March 2017
Borough of Fareham (Locks Road) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 42) Order 2016	13 th March 2017
Borough of Fareham (Swanwick Lane) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 44) Order 2016	13 th March 2017
Borough of Fareham (Southampton Hill) (Prohibition and Restriction of Waiting and Parking Places) (Amendment no 46) Order 2016	13 th March 2017

SCHEDULE 4

THE PLANS

