

# THE BOROUGH OF FAREHAM (PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES) (CONSOLIDATION) ORDER 2007

## SECTION 1 - PRELIMINARY

The Fareham Borough Council ("the Council") in exercise of its powers 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 Road Traffic Act 1991 ("the 1991 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

1. This Order may be cited as " The Borough of Fareham (Prohibition And Restriction Of Waiting And Parking Places) (Consolidation) Order 2007 and shall come into operation on 2<sup>nd</sup> April 2007.
2. The Borough of Fareham (Prohibition And Restriction Of Waiting And Parking Places) (Consolidation) Order 2007 Plans ("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 street parking places orders which relate to roads in the Borough of Fareham as defined on the Plans made prior to this Order are hereby revoked.

### Definitions

- 4 In this Order:-

"authorised loading bay" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.3 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 and specified in the Plans;

"authorised parking place" means any parking place on a road authorised or designated by an Order or having effect as if made under the 1984 Act and specified in the Plans;

"authorised taxi rank" means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

"clearway" means any of the sides or lengths of roads specified on the Plans where stopping or waiting is prohibited for the hours as specified in the Plans

"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;

"full registered person" has the same meaning as in Section 55 of the Medical Act 1983;

"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 motor 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;

"Light Goods Vehicle" means a motor vehicle not exceeding one tonne unladen weight and which is constructed or adapted for the carriage of goods or burden of any description, and is not drawing a trailer.

"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 and unloading is restricted as specified on the Plans;

“no loading road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “no loading road” shall not include any parking place;

“no stopping hours” means in relation to any no stopping road the hours during which stopping is restricted as specified on the Plans;

“no stopping road” means any of the sides or lengths of roads specified on the Plans where stopping is prohibited as specified in the Plans;

“owner” in relation to a vehicle waiting in a parking place, means the person by whom such vehicle is kept and used and it shall be presumed that the owner is the person in whose name the vehicle is registered at the time of the contravention this includes any person who drives a vehicle leased to them or provided for their use by their employer.

“parking attendant/civil enforcement officer” means a person authorised by or on behalf of the Council to supervise any parking place or enforce restrictions indicated on the Plans;

“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;

“Passenger vehicle” means a motor 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 motor vehicle for the purpose of the Road Traffic Regulation Act 1984;

"penalty charge" and "reduced penalty charge" means a charge set by the Council as detailed in Schedule 1, under the provisions of section 66 of the 1991 Act 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;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act containing the particulars therein required;

"permit" means a permit issued under the provisions of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of this Order;

"permitted hours" means the period specified for each parking place on the Plans during which waiting by vehicles of a specified class is permitted;

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"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.

“Resident” shall mean any person whose usual place of abode is within one of the roads specified in Schedule 2 to the Order

“Resident parking areas” referred to as “the areas” means any of the sides or lengths of roads specified on the Plans where waiting is restricted to permit holders

“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 specified on the Plans where waiting is restricted or specified activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place;

“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 for the interpretation of this Order as it applies for 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 Constable in uniform or of a parking attendant/civil enforcement officer in uniform, cause or permit a vehicle to wait at any time on the side and lengths of a prohibited road during the prohibited hours as specified on the Plans.

8 No Stopping

Save as provided in Article 12 no person shall, except upon direction or with the permission of a Police Constable in uniform or of a parking attendant/civil enforcement officer in uniform, cause or permit a vehicle to stop on the sides and lengths of a no stopping road during the restricted 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 Constable in uniform or of a parking attendant/civil enforcement officer in uniform, 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.

Limited Waiting

- 10 Save as provided in Article 12 no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a parking attendant/civil enforcement officer in uniform, cause or permit any 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.

Prohibition Of Motor Vehicles And Pedal Cycles On Grass Verges

- 11 No person except upon the direction of a Police Constable in uniform or a parking attendant/civil enforcement officer in uniform shall drive or park any motor vehicle or pedal cycle on the areas of grass verges in the side and lengths of roads specified in the Plans.

Exemptions

- 12 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 or restricted road for so long as may be necessary to enable –

- (a) a person to board or alight from the vehicle;
  - (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 to be loaded or unloaded except in respect of a no loading road or hackney carriage stand;
  - (g) the avoidance of an accident.
  - (h) the vehicle is a licensed hackney carriage applying for hire on an authorised taxi rank
- (2) It is not unlawful to cause or permit a disabled person's vehicle to wait on a side or length of prohibited road or 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 issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Prohibition/Restriction Of Loading And Unloading

13. Save as provided in article 15 no person shall cause or permit any vehicle to be used for the delivery or collection of goods or to be loaded or unloaded on the sides and lengths of 'no loading' road during the 'no loading' hours specified in the Plans.
14. No person shall cause or permit a disabled persons vehicle to wait on the sides and lengths of '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 specified as a prohibited road or restricted road 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;
  - (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 avoidance of an accident.
- (2) 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 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 Place For Taxis

- 16 The sides and lengths of road specified on the Plans for the waiting of taxis are hereby designated as authorised taxi ranks for such vehicles, on such days and during such hours subject to the provisions of this Order and as specified on the Plans.
- 17 Save as provided in article 27 no person shall except upon the direction of a parking attendant/civil enforcement officer in uniform or police constable in uniform cause or permit any vehicle other than a hackney carriage to wait on the sides and lengths of the road identified as an authorised taxi rank during the period of operation as specified on the Plans.
- 18 No person shall cause or permit a hackney carriage to wait on the sides and lengths of road identified as an authorised taxi rank during the period of operation of the authorised taxi rank as specified on the Plans for other than the purpose of plying for hire.

- 19 No person shall cause or permit a hackney carriage to wait on the sides and lengths of road identified as an authorised taxi rank outside the period of operation of the authorised taxi rank as specified on the Plans.

#### Authorised Parking Place For Disabled Persons Vehicles

- 20 The sides and lengths of roads authorised and specified as disabled persons' parking places on the Plans are hereby designated as parking places for disabled persons' vehicles on such days and during such hours as specified on the Plans.
- 21 Save as provided in article 27 no person shall except upon the direction of a parking attendant/civil enforcement officer in uniform or police constable in uniform cause or permit a vehicle to wait during the permitted hours as specified on the Plans
- 22 It is not unlawful to cause or permit a vehicle to wait in a disabled persons' parking place for the period not exceeding that specified in the Plans, if any,
- a) if the vehicle displays in the relevant position a disabled persons' 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.

#### Disabled Coach Bay

- 23 The sides and lengths of road authorised and specified on the Plans as disabled coach bays are hereby designated as a parking place 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 parking attendant/civil enforcement officer in uniform or police constable in uniform cause or permit a vehicle other than a disabled coach to wait in the disabled coach bay on such days and during such hours as designated on the Plans

#### Loading Areas

- 25 The sides and lengths of road specified on the Plans for loading and unloading are hereby designated as loading areas for such vehicles on such days during such hours subject to the provisions of this Order and as specified on the Plans
- 26 Save as provided in article 27 no person shall, except upon the direction of a Police Constable in uniform or a parking attendant/civil enforcement officer in uniform, cause or permit any goods vehicle to wait in any loading area specified on the Plans except for the loading and unloading of goods for a period longer than specified on 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 designated as a parking place for so long as may be necessary to enable –
- (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 avoidance of an accident.
  - (g) the vehicle is a licensed hackney carriage applying for hire on an authorised taxi rank
- (2) It is not unlawful to cause or permit a vehicle to wait in a designated 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 specified in the Plans as parking for resident permit holders are hereby designated as residents parking areas 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 41 no person shall, except upon the direction or with the permission of a Police Constable in uniform or a parking attendant/civil enforcement officer in uniform, 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 the resident parking areas, issued in accordance with the provisions of this Order is displayed on the vehicle in the relevant position.

#### Provisions as to Permits

- 30 1) Any resident of the roads specified in Schedule 1, who is the owner of a vehicle of one of the following classes, that is to say a passenger vehicle, a light goods vehicle or a motor cycle, may apply to the Council for the issue of a permit to allow that vehicle to wait in the relevant parking area within the permitted hours and any such application shall be made on a form issued by and obtainable from the Council, shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for such charge specified in Article 34 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 may reasonably require to verify any particulars or information given to the Council as they may reasonably 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, and of the appropriate fee specified in Article 34, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall subject to only one permit being issued in respect of any postal address and also subject to no more than a maximum number of permits being issued as specified in Schedule 1 to this Order issue to the applicant therefore:-

one permit for the leaving during the restricted hours in the relevant parking areas as specified on the Plans of the vehicle to which the permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward PROVIDED that, subject to the provisions of Article 32, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid;

#### Surrender and Withdrawal of Permit

31 (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.

(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 person's place of abode, withdraw a permit if it appears to the Council that and one of the events set out in paragraph 3(a), 3(b) or 3(d) of this Article 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 this Article are:-

- (a) the permit holder ceasing to be a resident;
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) the withdrawal of such permit by the Council under the provisions of paragraph 2 of this Article
- (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that is not a vehicle of one of the classes specified in Article 30;
- (e) the issue of a duplicate permit by the Council under the provisions of Article 32;

(f) 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)(b), (3)(c), (3)(d) and (3)(e) of this Article, whichever is the earlier.

(5) Where the permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall 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 person's place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

#### Duplicate/Replacement Permits

32 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 permit so marked and upon such issue the original permit shall become invalid.

(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 permit so marked and upon such issue the original permit shall become invalid.

(3) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case may be an application therefore.

#### Form of Permit

33 A resident's permit shall be in writing and shall include the following particulars:-

(a) the registration mark of the vehicle in respect of which the permit has been issued;

- (b) The period during which, subject to the provisions of Article 18(4), the permit shall remain valid;
- (c) An indication that the permit has been issued by the Council;
- (d) The hours during which the vehicle in respect of which the permit has been issued may be left in the residents parking area;
- (e) 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
- (f) The relevant area to which the permit relates.

#### Charges for Permits

- 34 The charge in connection with the issue of a permit for leaving of a vehicle in any one of the relevant parking areas during the restricted hours shall be as specified in Schedule 4.
- 35 The charge in respect of the issue of a permit for the leaving of a vehicle in the area during the permitted hours shall be payable in accordance with the provisions of Article 30(1) except that any resident who is also the holder of a Disabled Persons Badge shall be exempt from the charge.
- 36 (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the charge paid in respect of the issues thereof.
- (2) A permit holder who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund of part of the charge paid in respect of the issue thereof calculated in accordance with the provisions of paragraph (3) of this Article.
- (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as
- (i) in the case of a permit issued for 12 months -  $1/12^{\text{th}}$  of the charge, or
  - (ii) in the case of a permit issued for 3 months -  $1/3^{\text{rd}}$  of the charge for each complete month of the period specified thereon as the period during which it shall remain valid which remains unexpired at the time when the permit is surrendered to the Council.

#### Display of Permit

- 37 At all times during which the vehicle is left in any of the residents parking areas during the restricted hours there shall be displayed in the relevant position a valid permit in respect of that vehicle.
- 38 Where the permit has been displayed on a vehicle in accordance with the provisions of Article 37, 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

- 39 A Police Constable in uniform or a parking attendant/civil enforcement officer in uniform 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 56.

#### Suspension of a parking place

- 40 (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 Constable in uniform or a parking attendant/civil enforcement officer in uniform 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 with the provisions of paragraph (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.

(4) No person shall cause or permit a vehicle to be left in any of the residents parking areas or part thereof during such period as there is in or adjacent to the area or part thereof 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 used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 41 (1)(b) and (c) to be left in any of the area or part thereof during any such period, or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the area or part thereof in pursuance of paragraph 1 of this Article, (ii) of a police constable in uniform or (iii) of a parking attendant/civil enforcement officer in uniform.

#### Exemptions

- 41 (1) Nothing in Article 29 shall render it unlawful to cause or permit any vehicle to wait in any of the areas during the restricted 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 waiting only for so long as necessary to enable a person to board or alight from the vehicle;

(g) 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;

(h) For the conveyance of occupiers of premises adjacent to the relevant area at times of weddings or funerals;

(2) Except as provided in the foregoing provisions of this Article, no person shall cause or permit a vehicle to wait in any residents parking area during the permitted hours.

42 Nothing in Article 29 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 waiting began) to wait in any of the areas 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).

43 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

- 44 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.
- 45 A charge may be made for a waiver certificate as determined by the Council.
- 46 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

- 47 If a vehicle is left in a parking area during the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order and as specified on the Plans a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

### Penalty Charge Notice

- 48 In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the Parking attendant / 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 license, the number of the trade plate carried by the vehicle;
  - (b) the grounds on which the Parking attendant / 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; and

- (f) the address to which payment of the Penalty Charge must be sent.

Manner of Payment of Penalty Charge and Reduced Penalty Charge

- 49 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 web site.
- 50 If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by 50%.
- 51 Payment shall be received not later than 1600 hours on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the reduced charge is paid PROVIDED THAT if the said 28th or 14th day falls upon a day on which the Councils 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 full day on which the Councils Offices are open.
- 52 If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of 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 paragraph 6 of schedule 6 of the 1991 Act.
- 53 Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications As Evidence

- 54 The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 48 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

55 Restriction On Removal Of Notices

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions or Article 48, no person, not being the driver of the vehicle, a police constable in uniform, a parking

attendant/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 keeper of the vehicle.

Removal of vehicle

56 Where a parking attendant/civil enforcement officer in uniform has removed or caused to be removed a vehicle in accordance with Articles 39 or 47:-

- (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.

57 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 the parking place in this Order shall prevail.

Dated this        day of        2007

Executed as Deed by affixing

Its Common Seal of  
**FAREHAM BOROUGH COUNCIL**  
In the presence of:-  
Authorised Signatory

## SCHEDULE 1

Streets where residents are eligible for permits	Maximum number
Hartlands Road Fareham Kings Road Fareham Portland Street Fareham Queens Street Fareham Western Road Fareham West Street Fareham (between Hartlands Road and Kings Road)	2 annual permits or 1 quarterly permit in respect of any postal address

## SCHEDULE 2

### Charge for Permits

The charge for the issue of a permit for the leaving of a vehicle in the residents parking areas shall be £50.00 for any period of 12 months or £13 for any period of 3 months running from the beginning of the month in which the permit first becomes valid.



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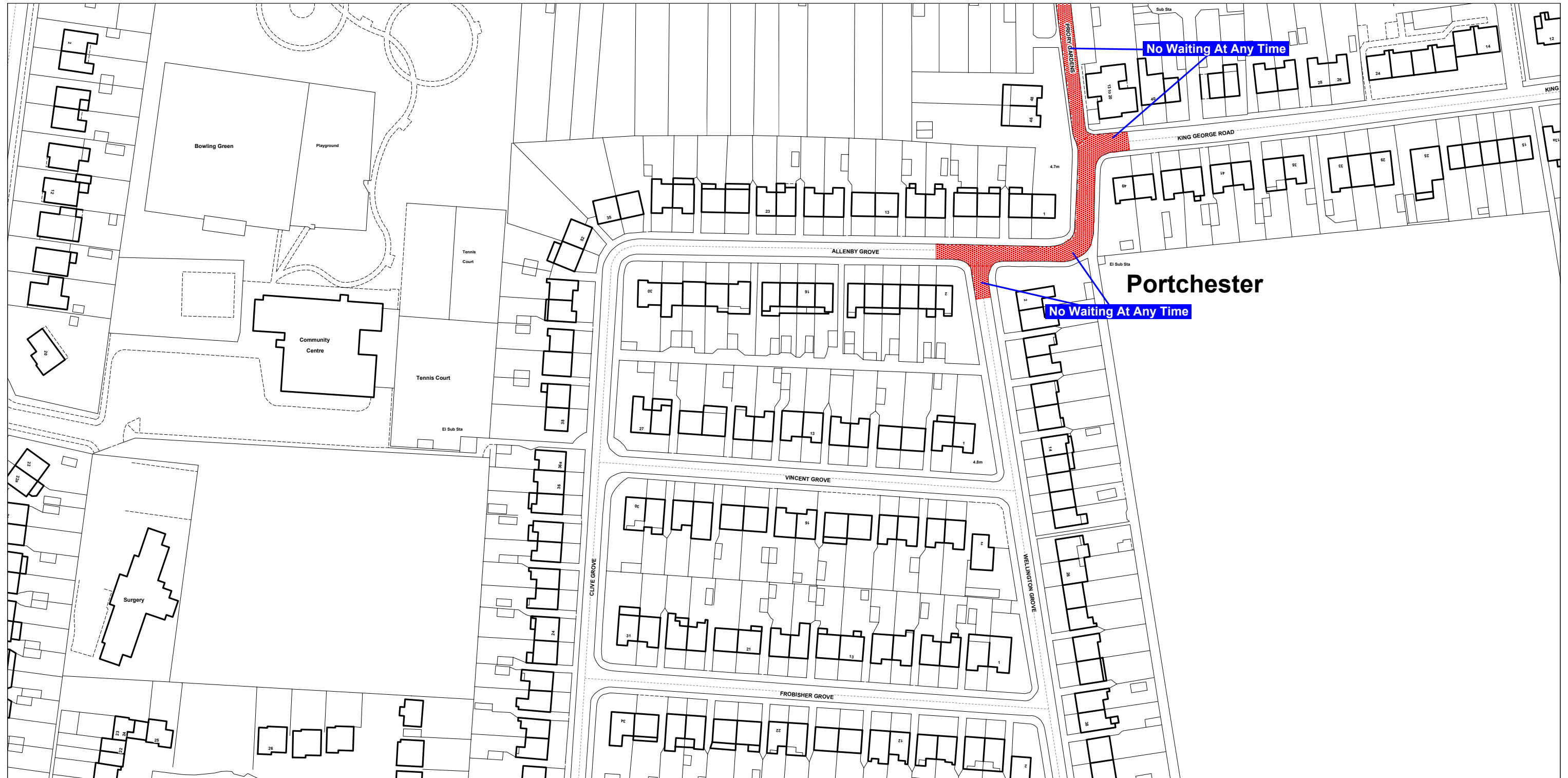
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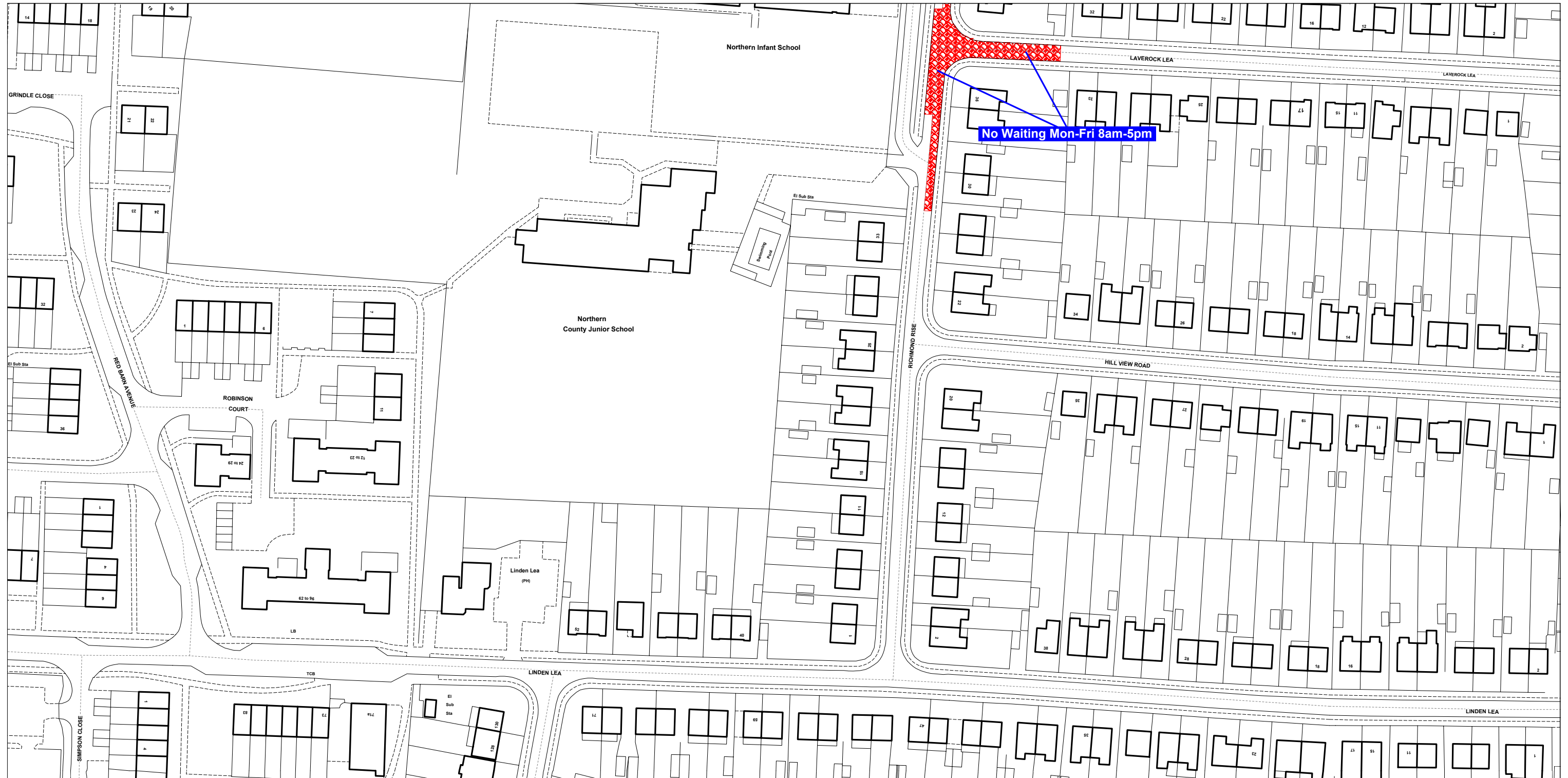
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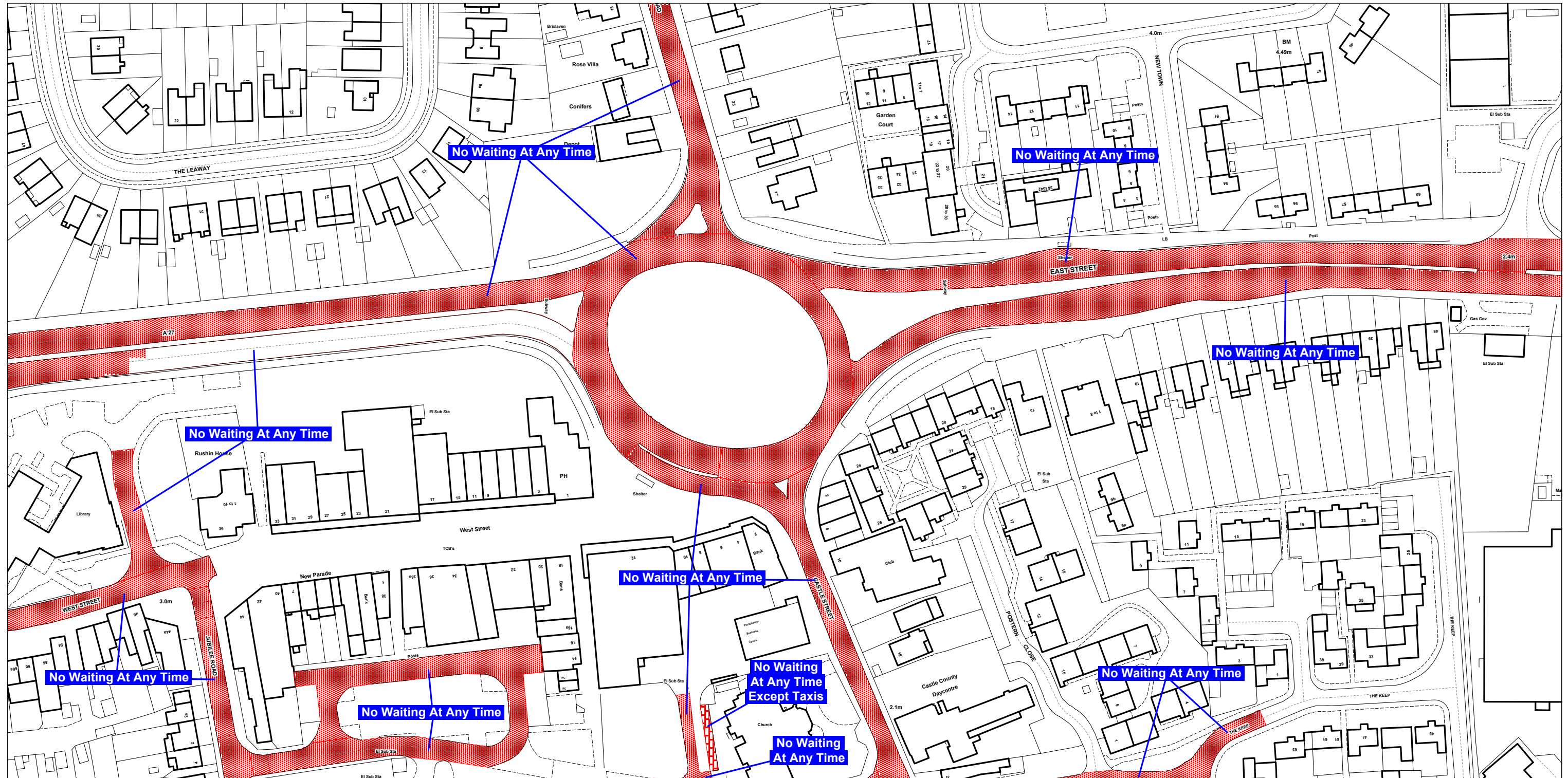
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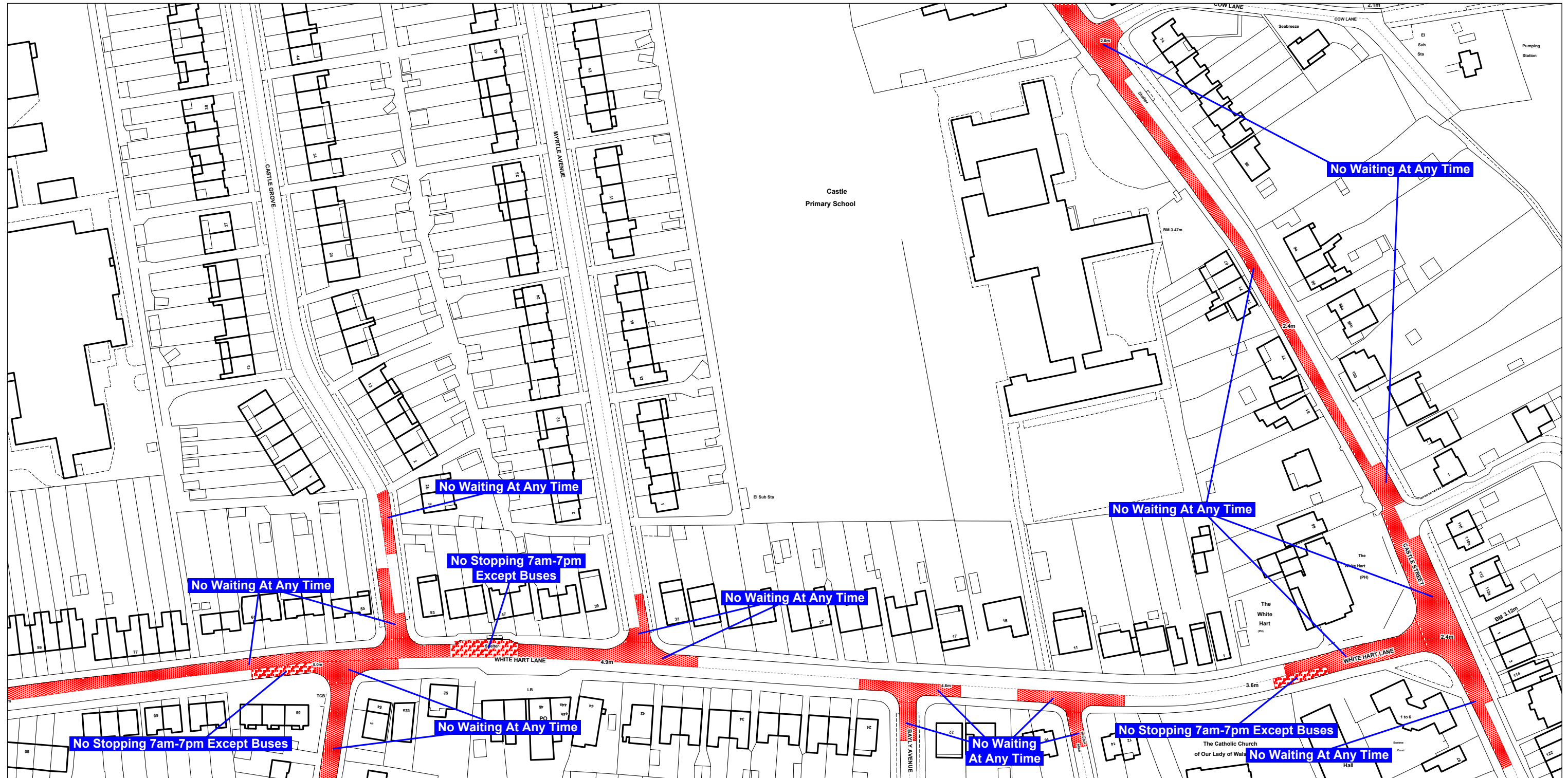


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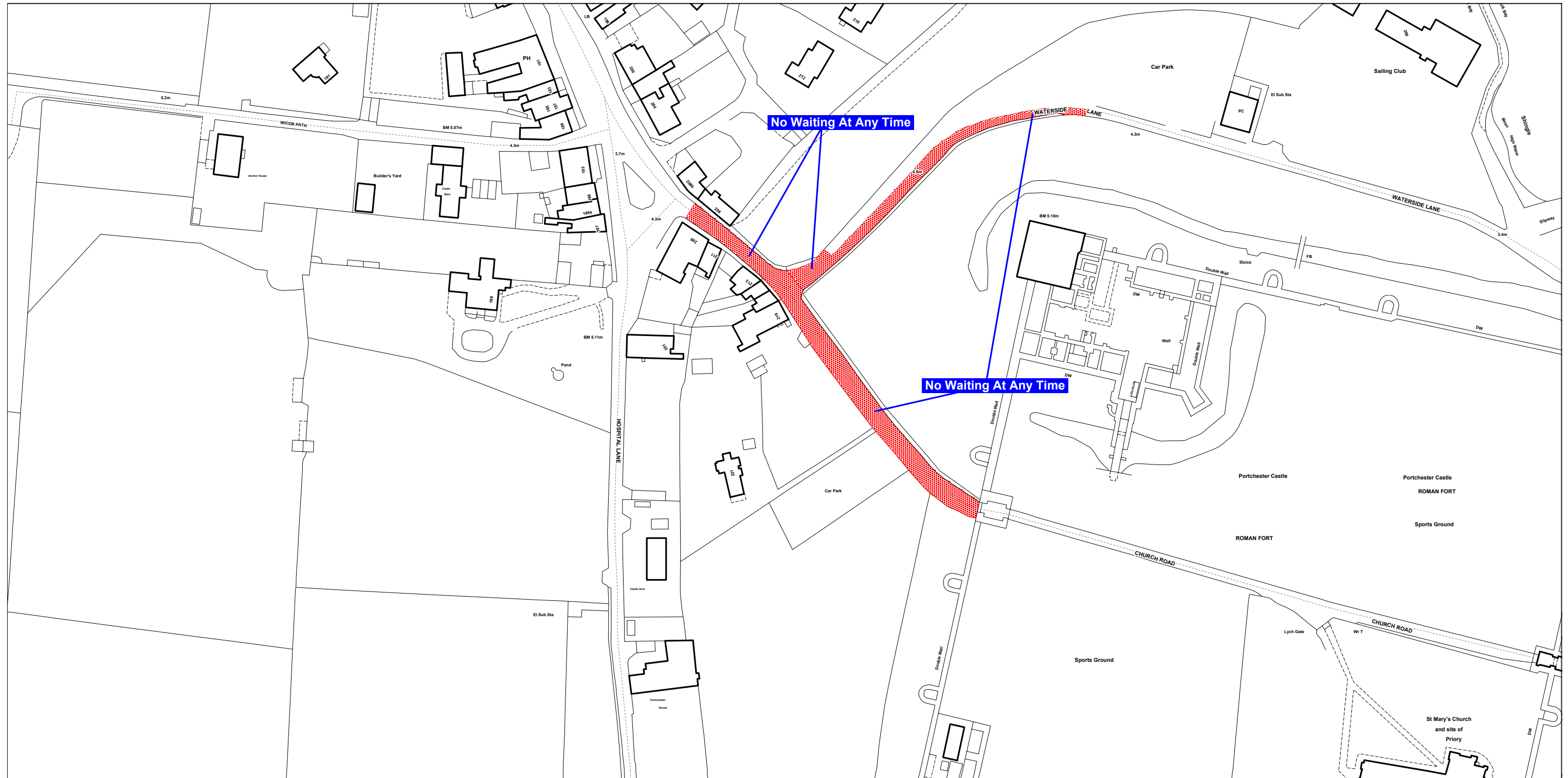
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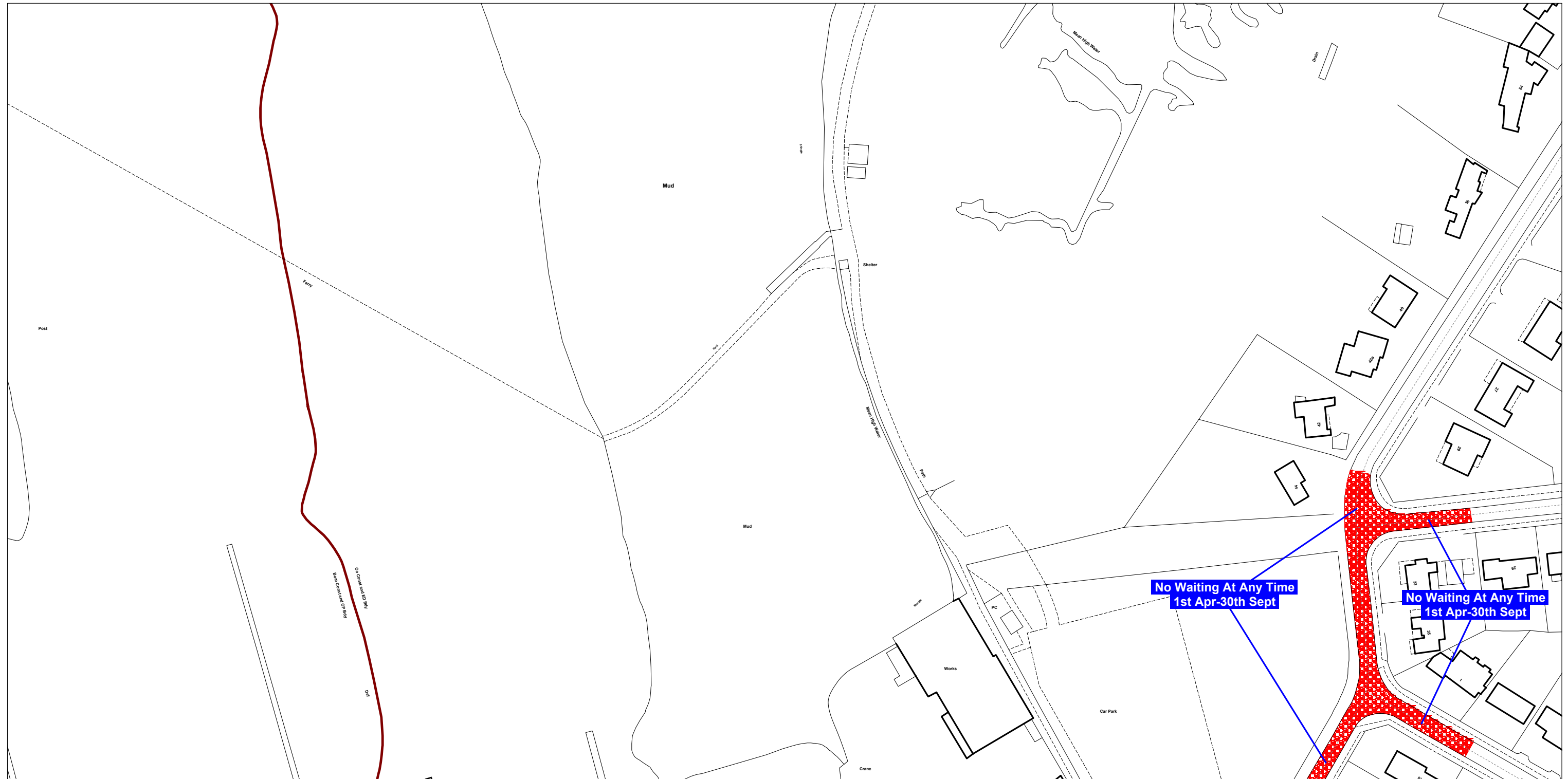
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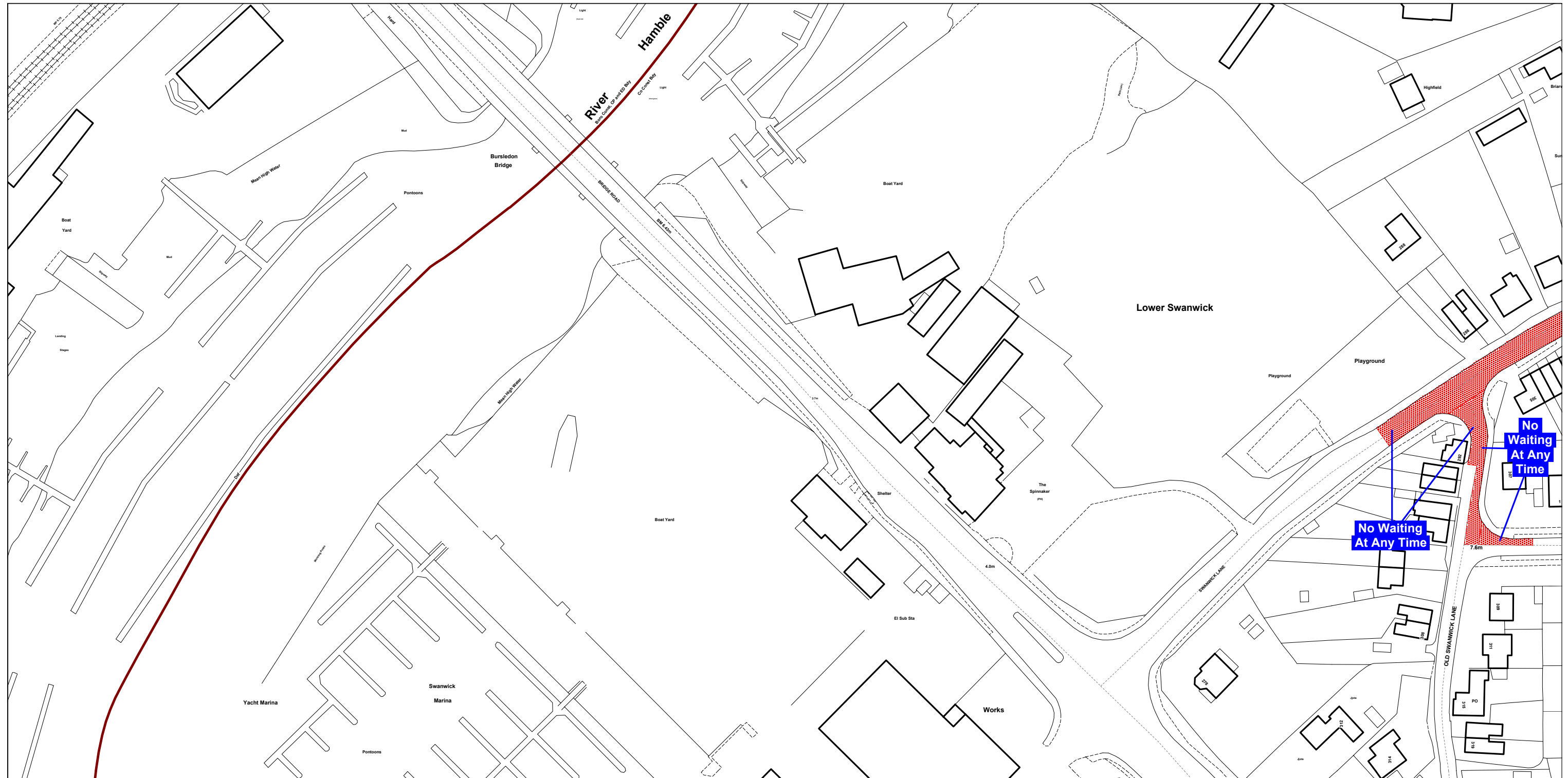
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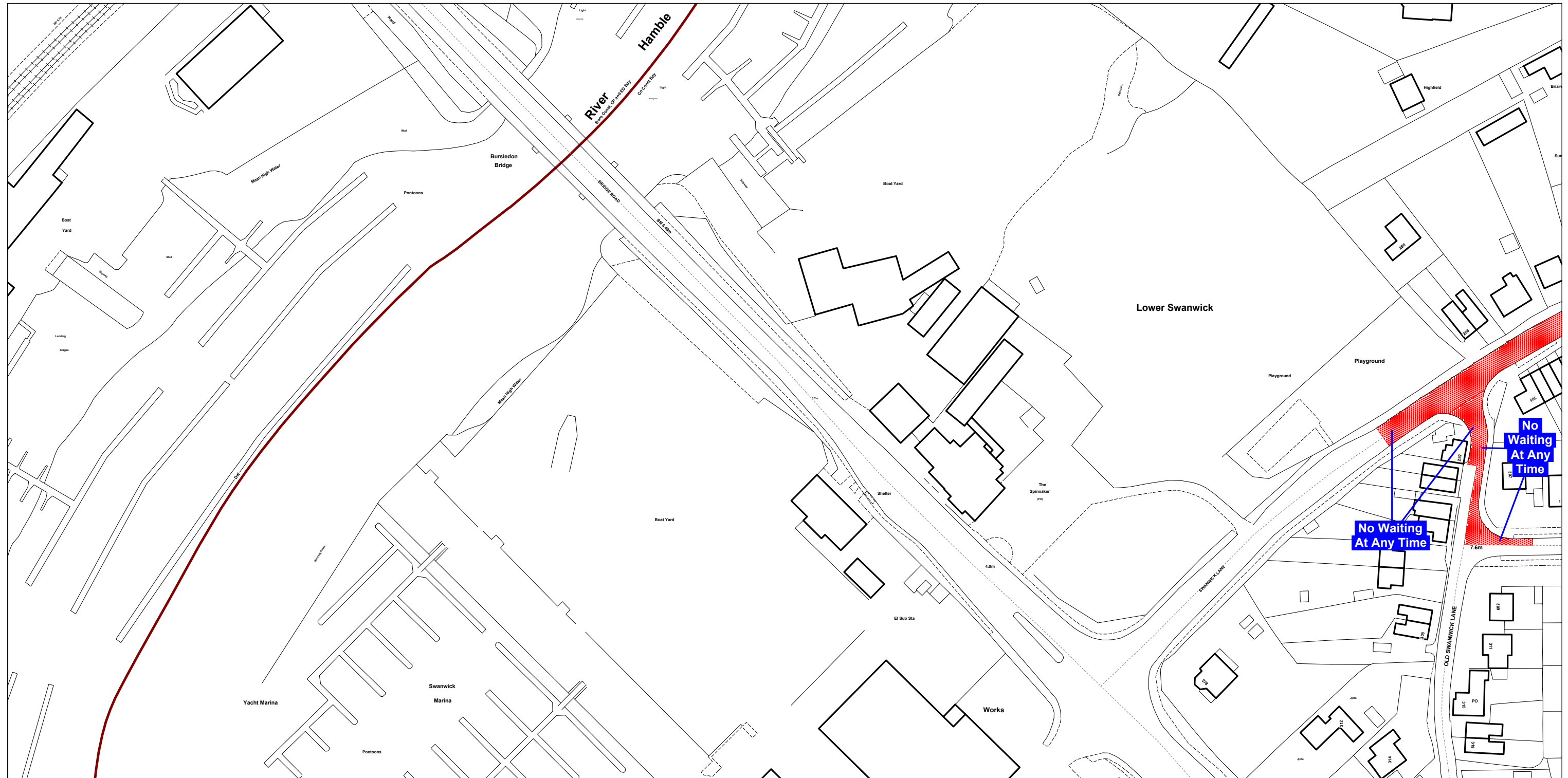
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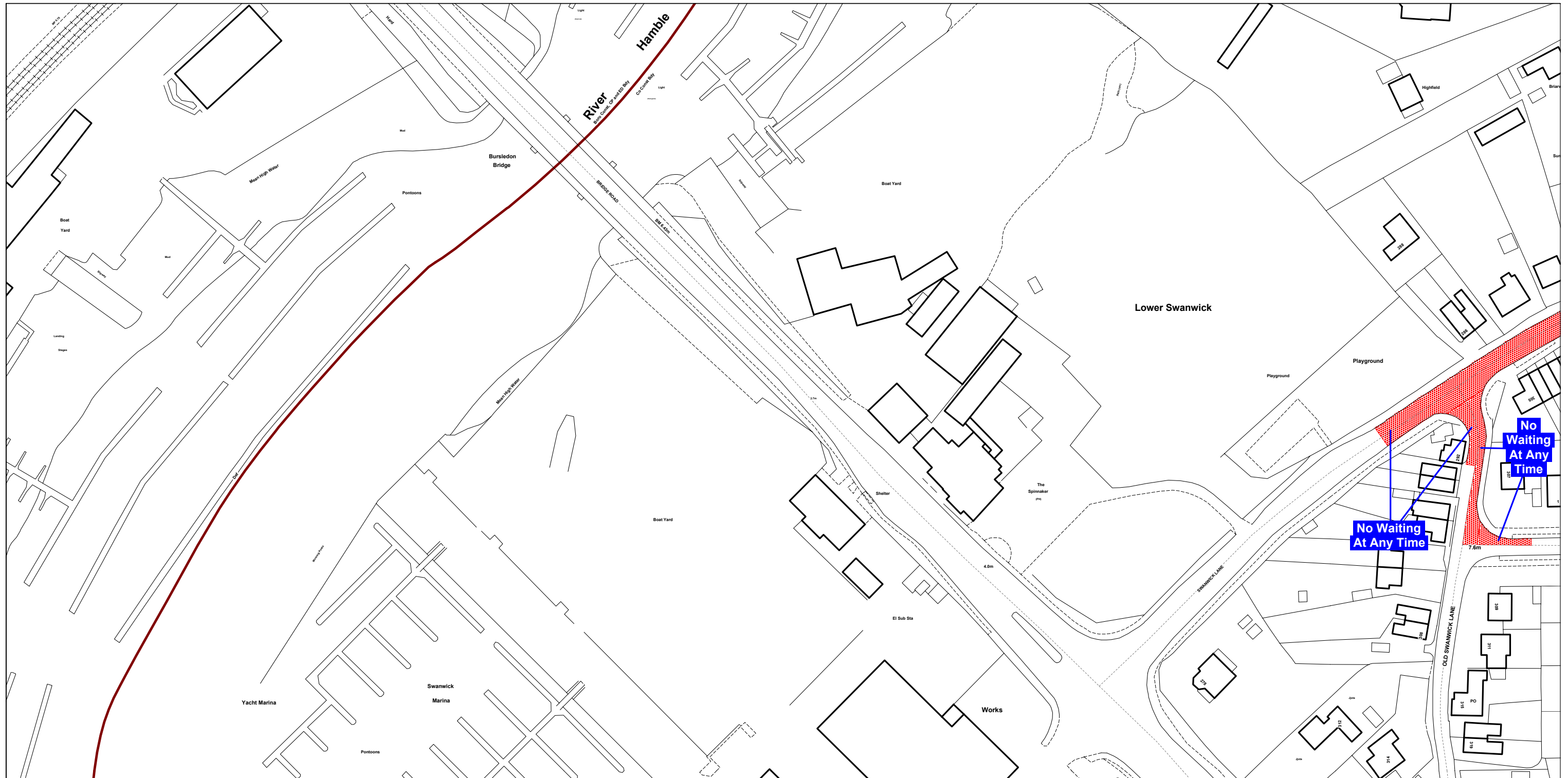
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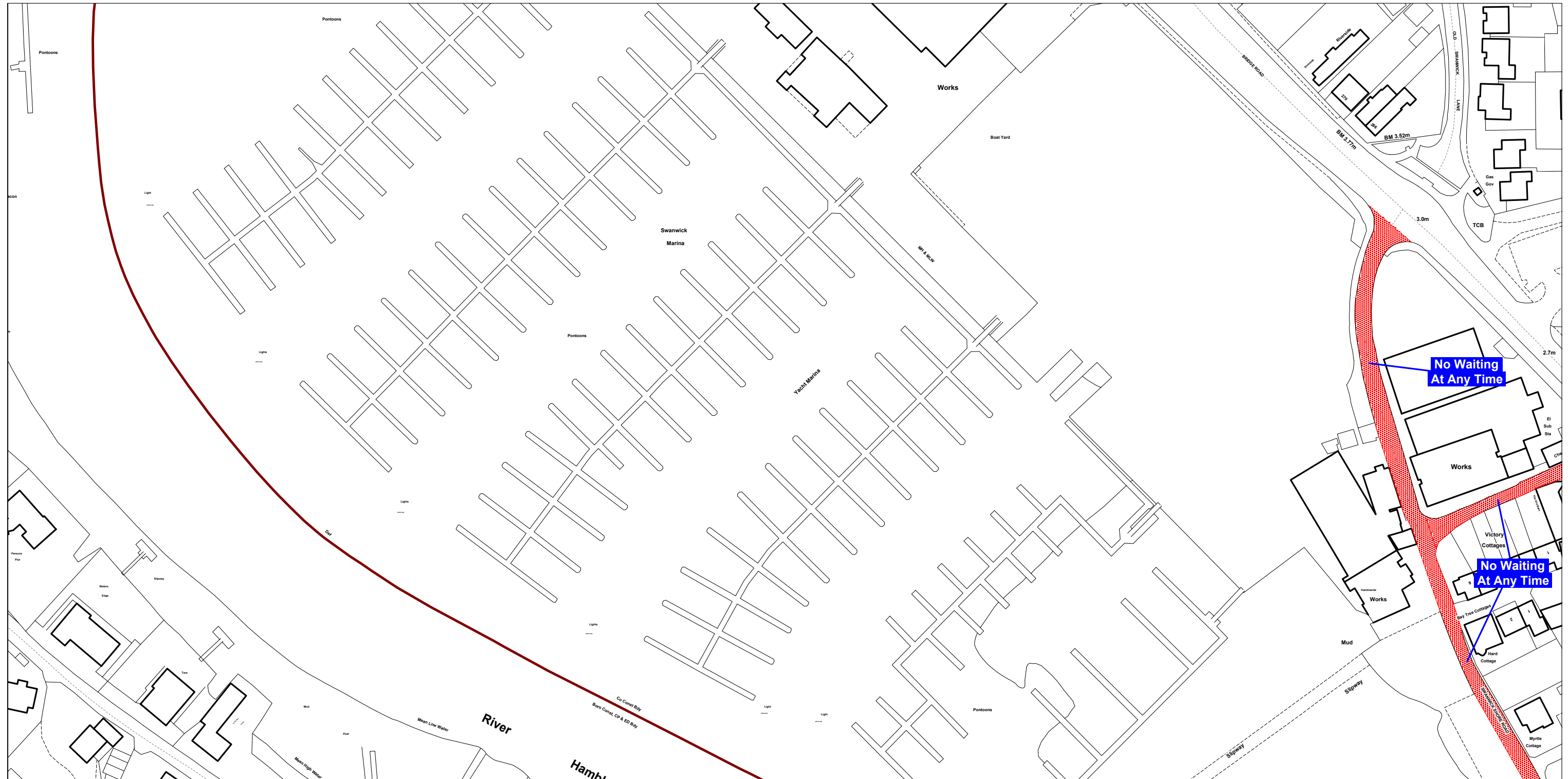
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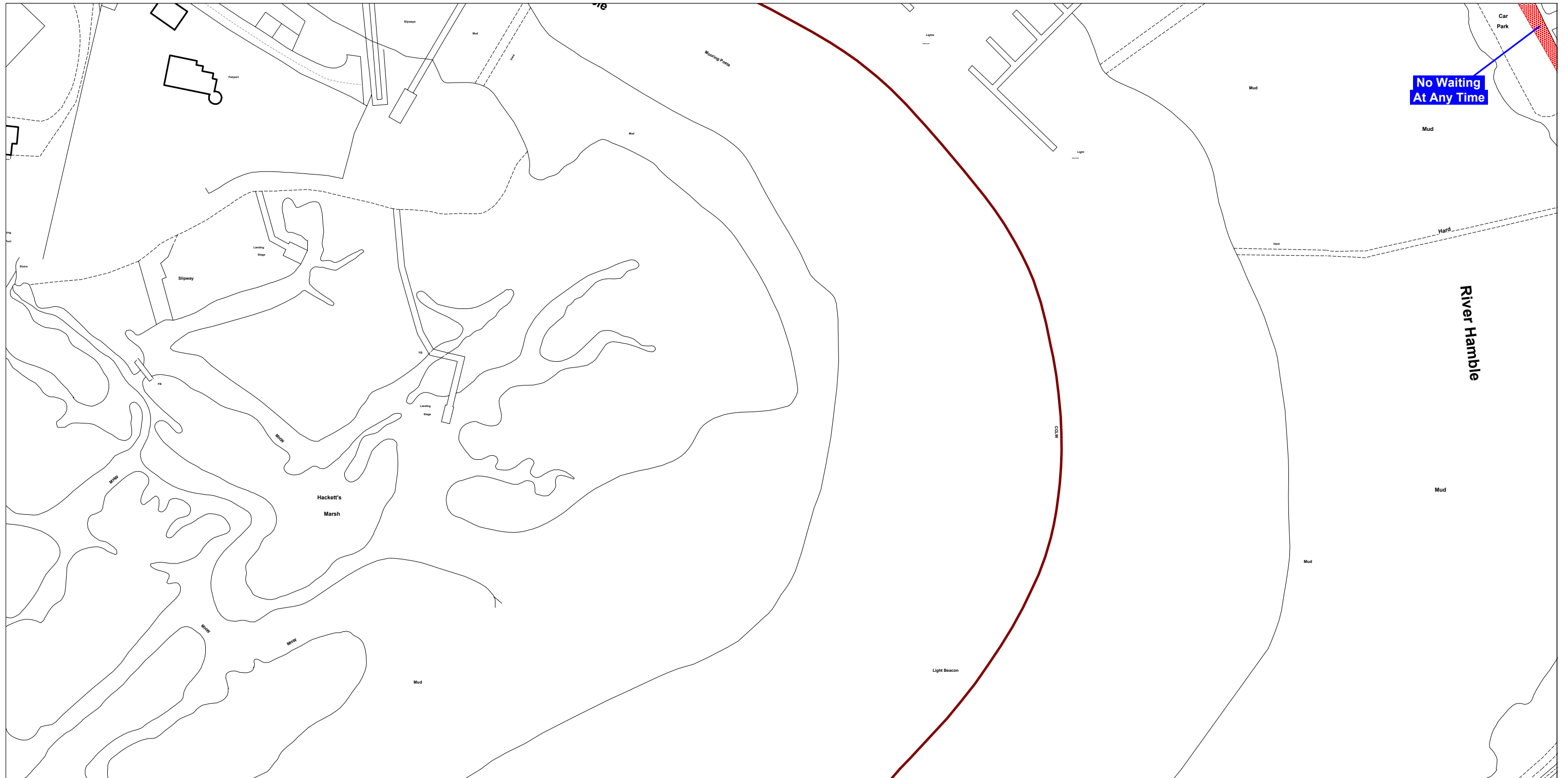
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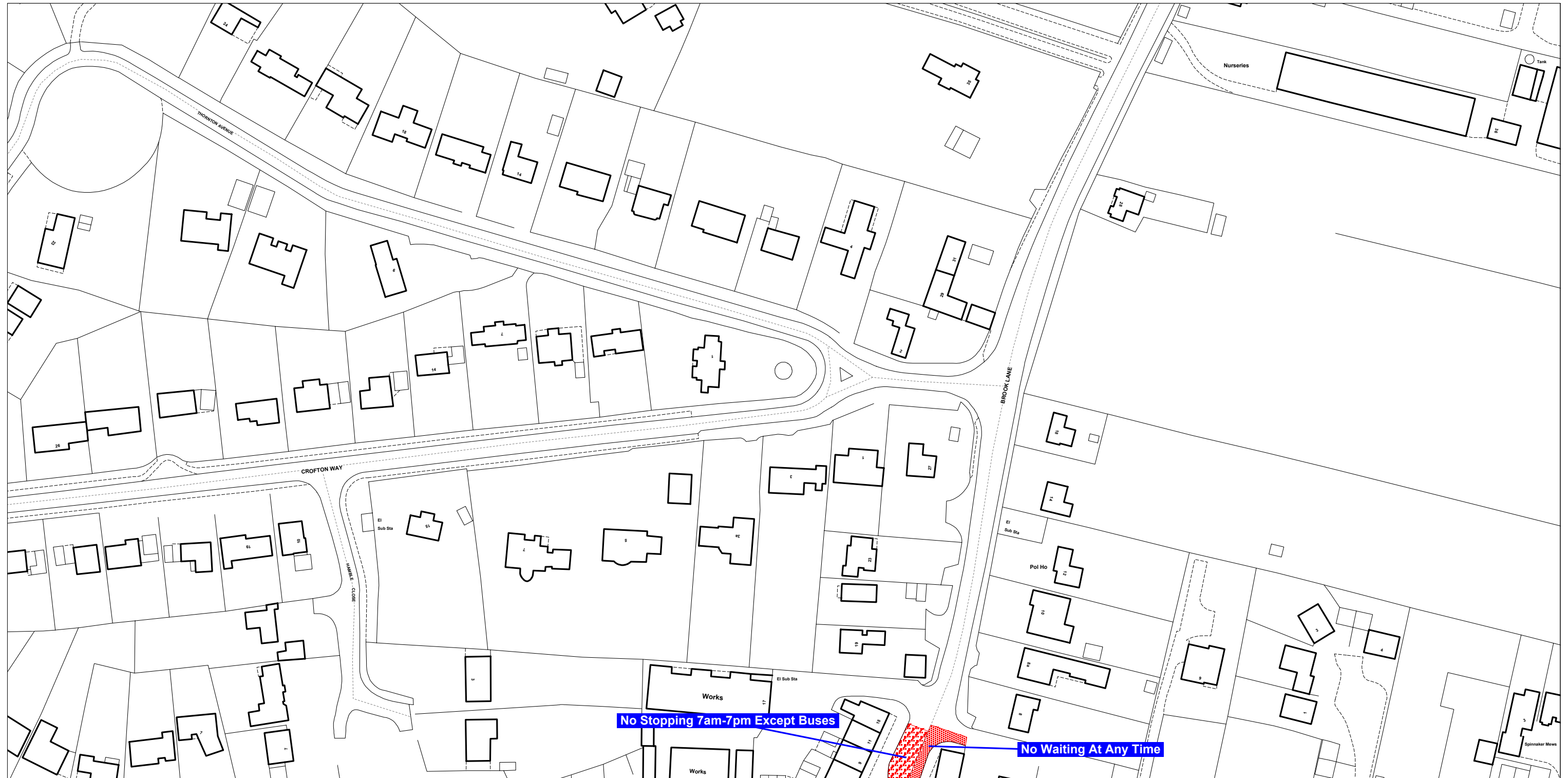
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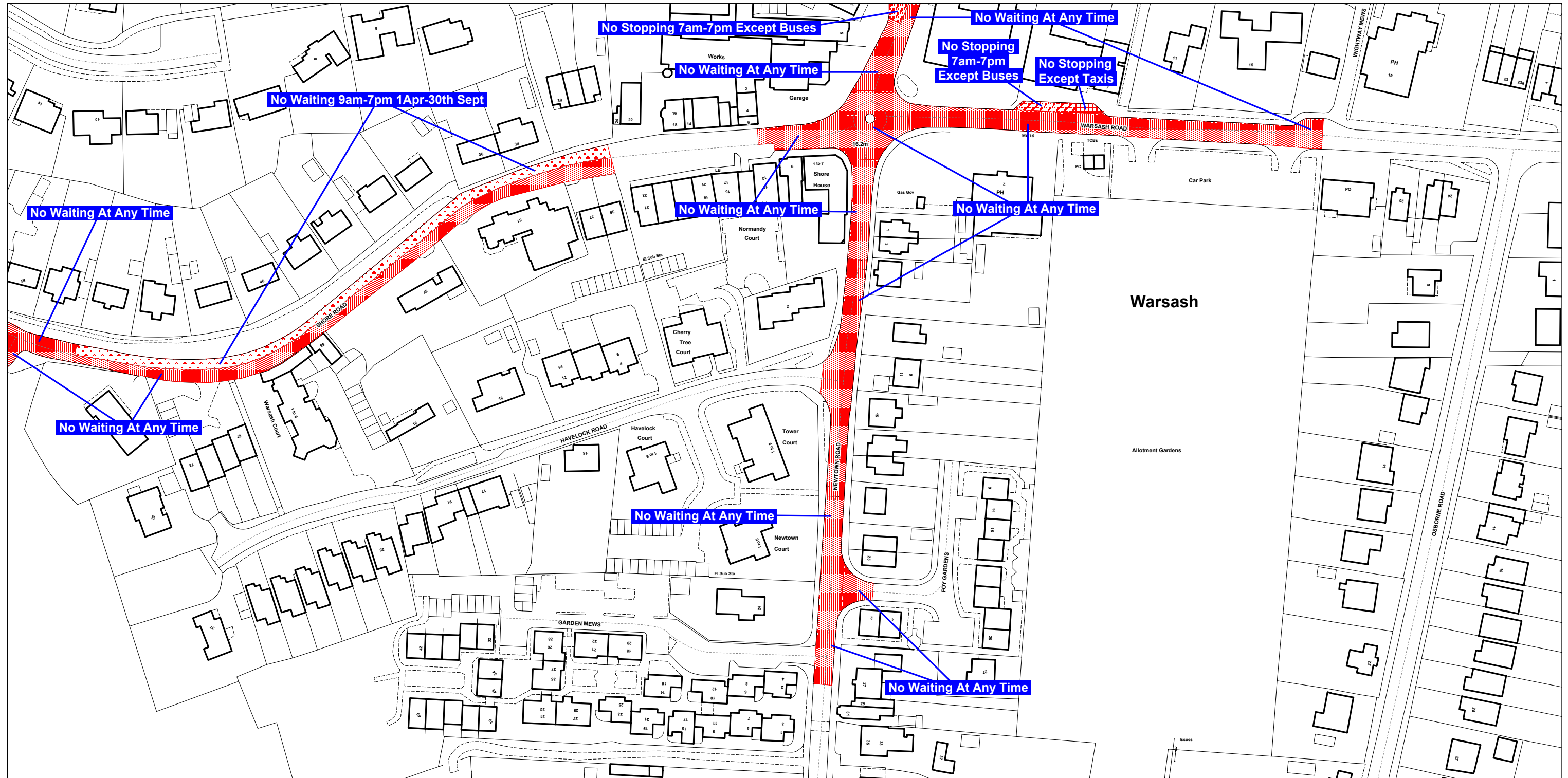
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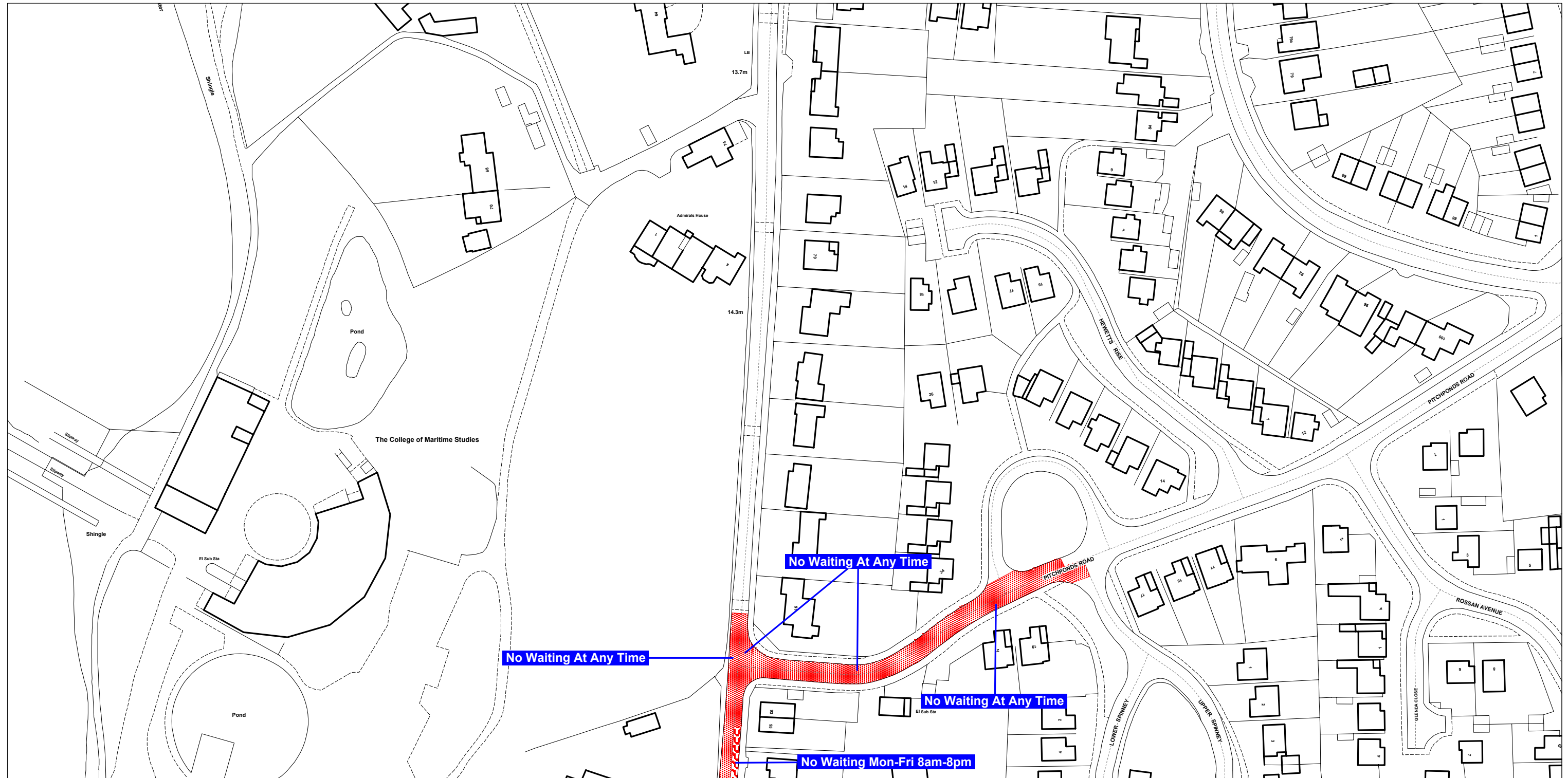


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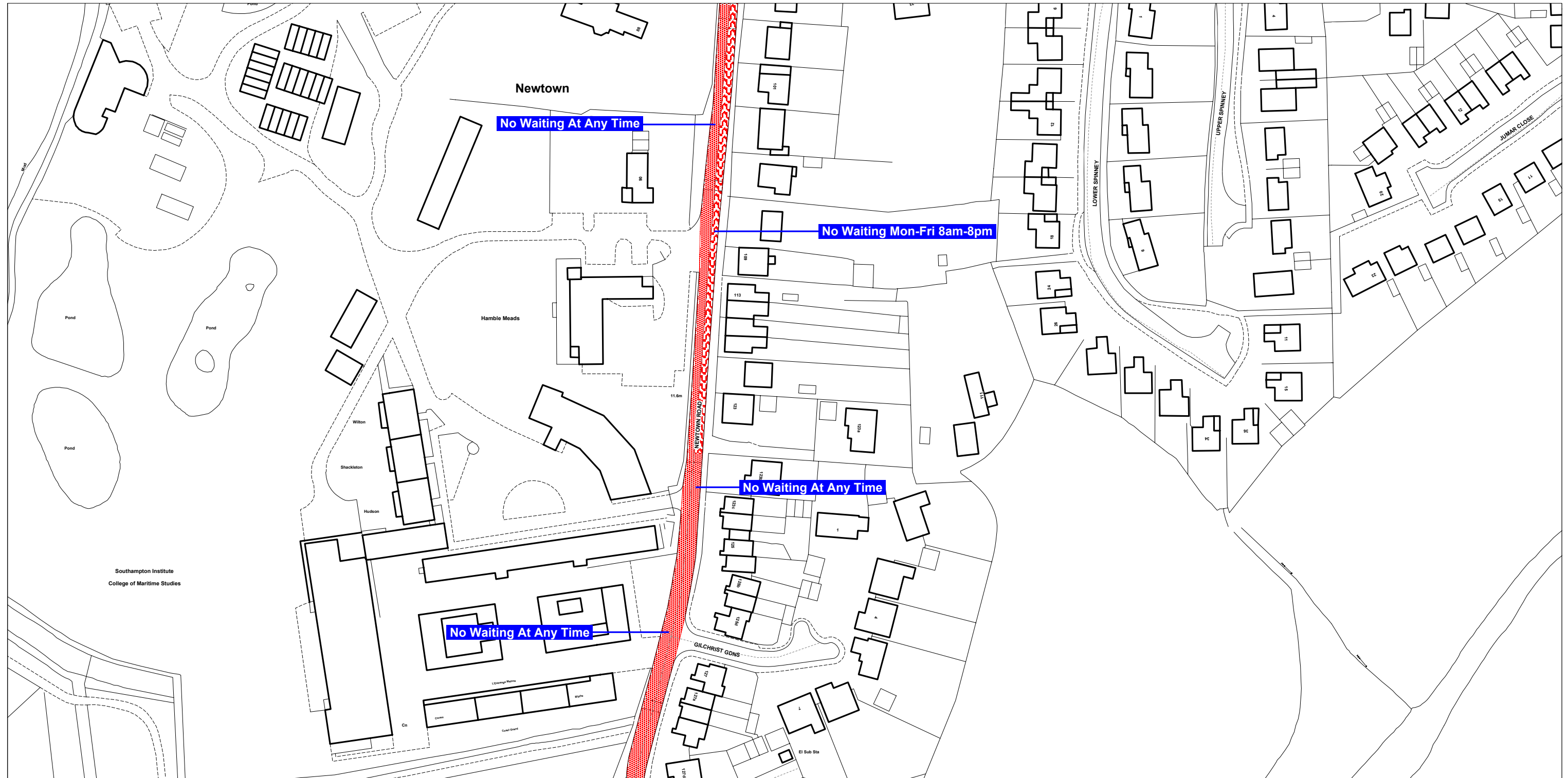
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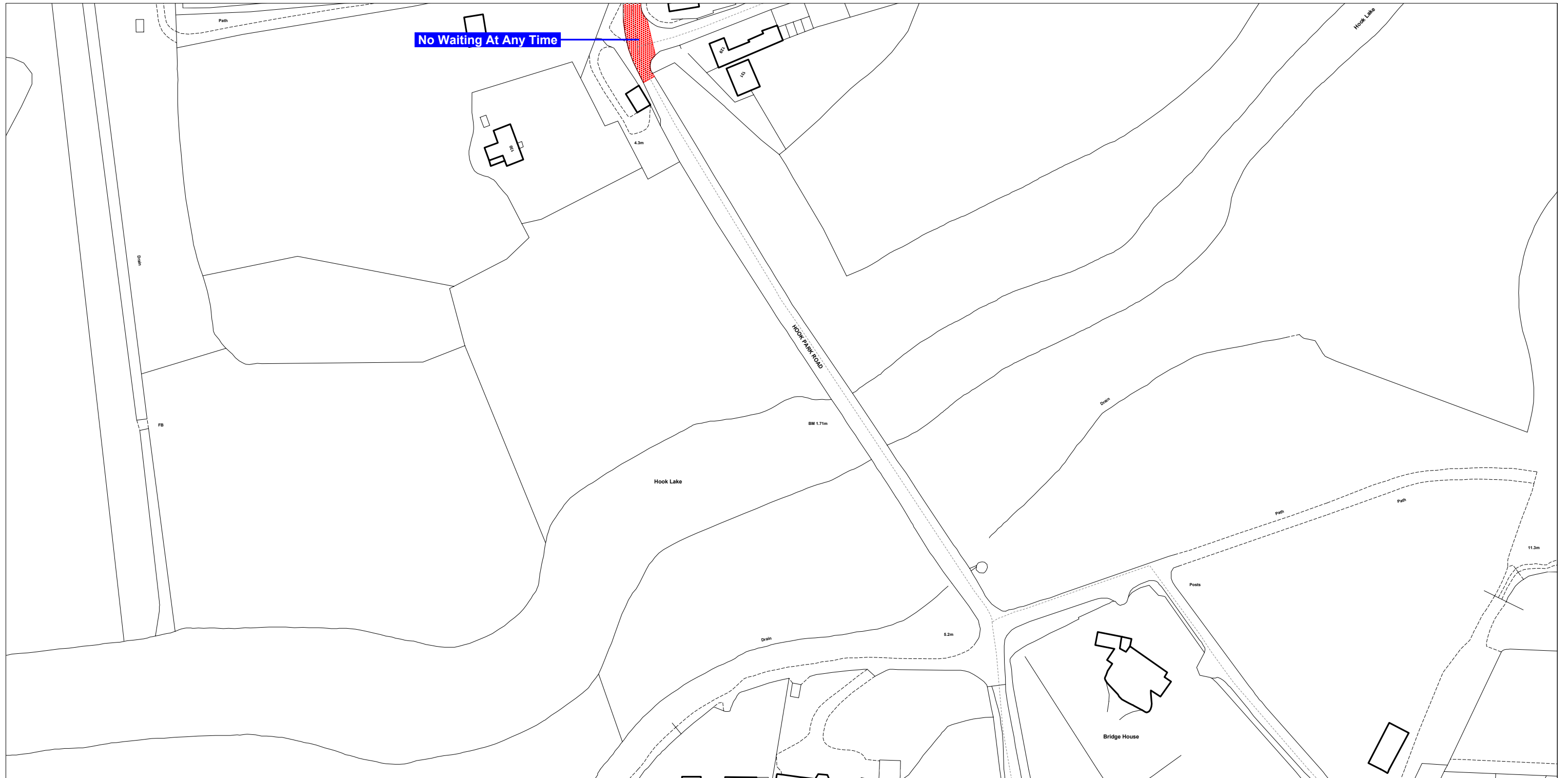
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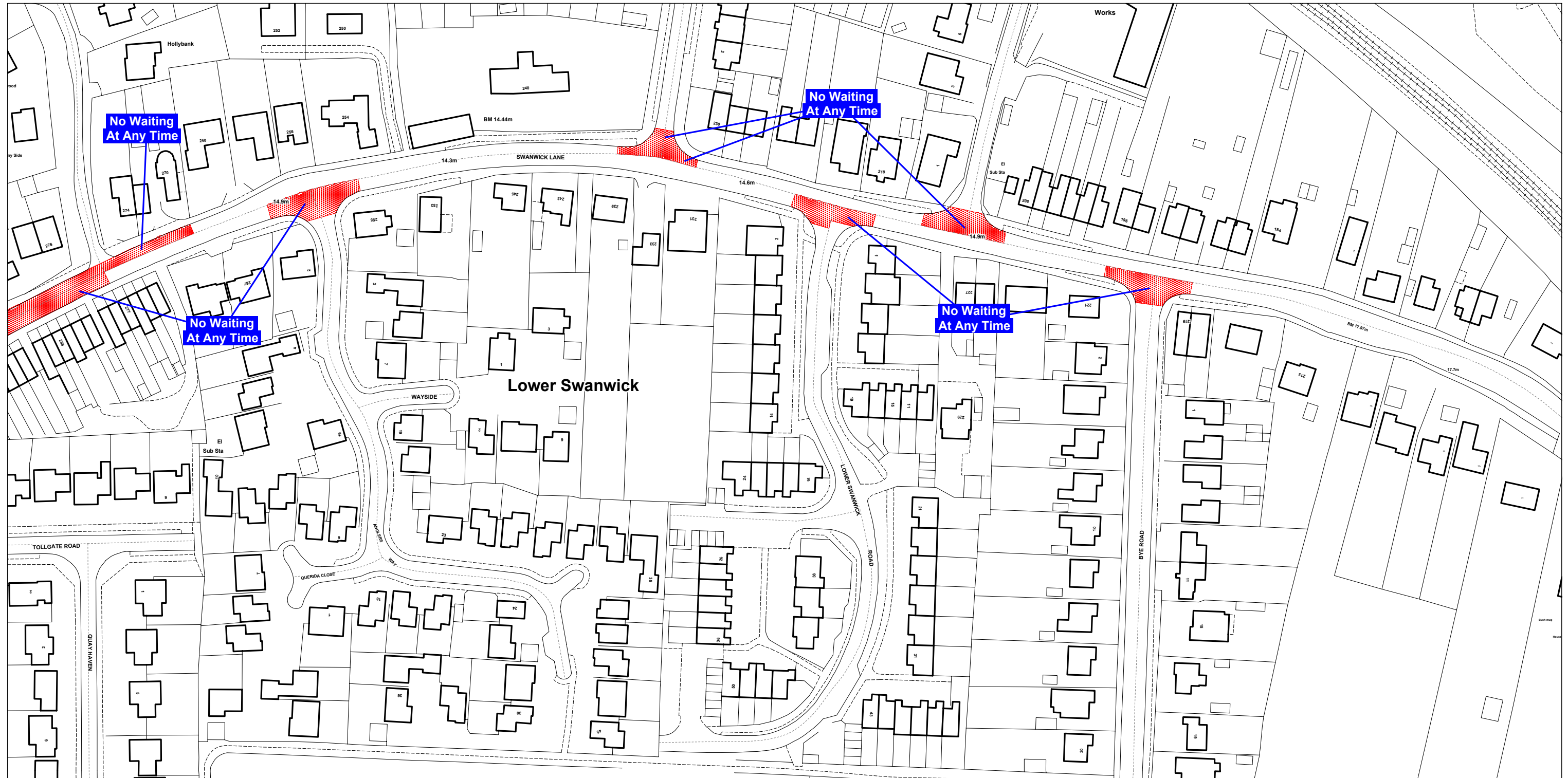
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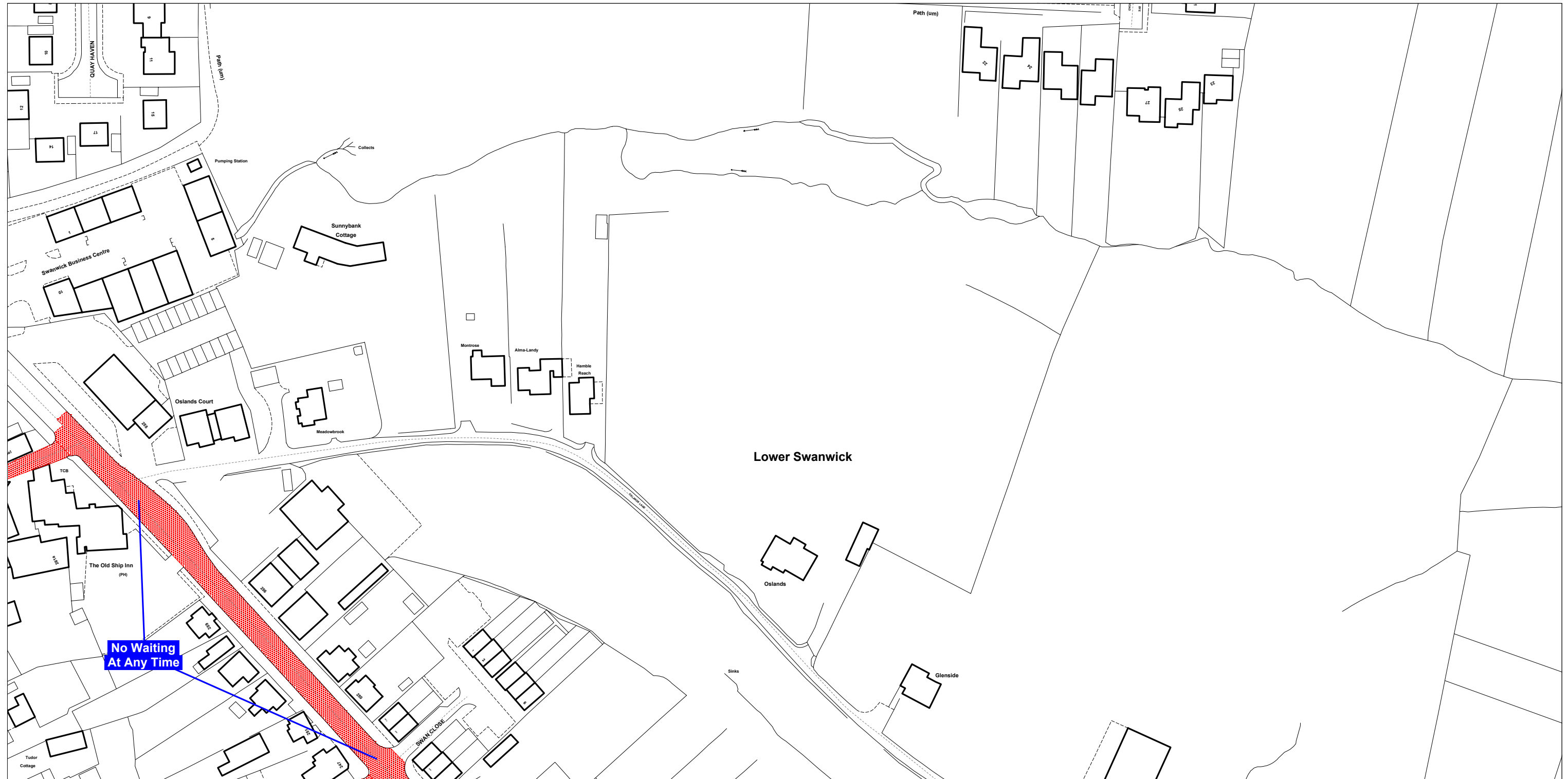
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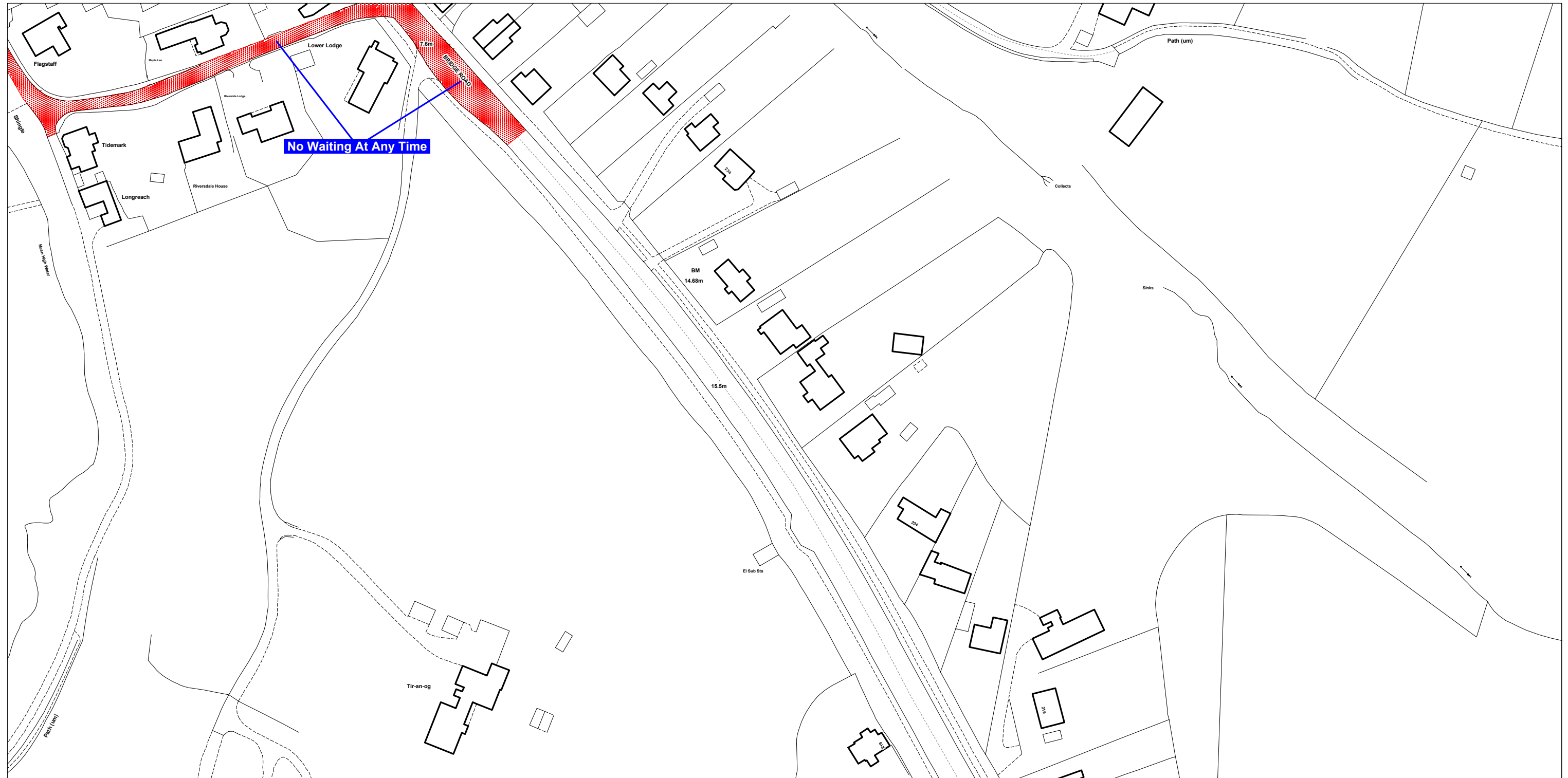
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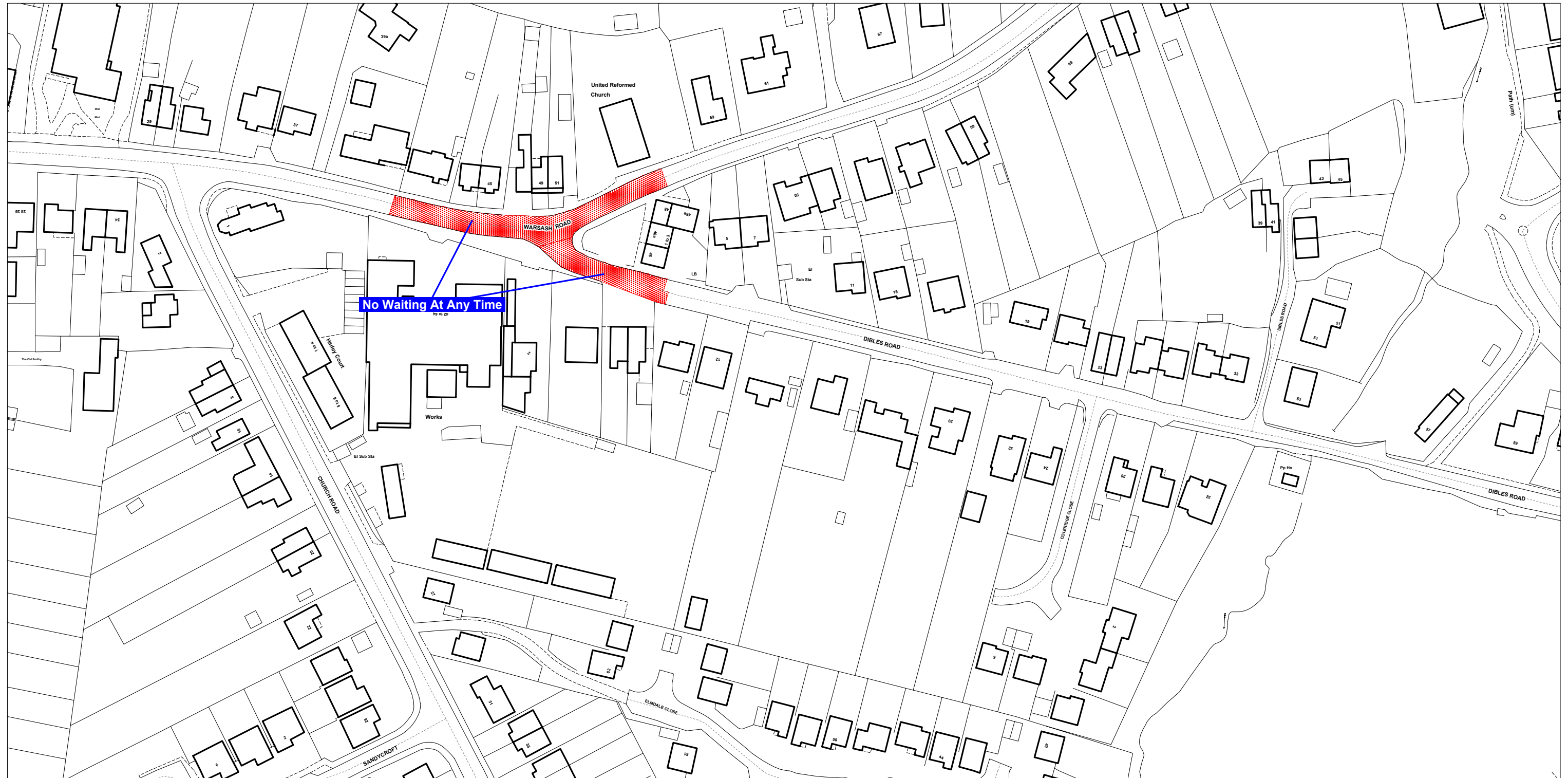


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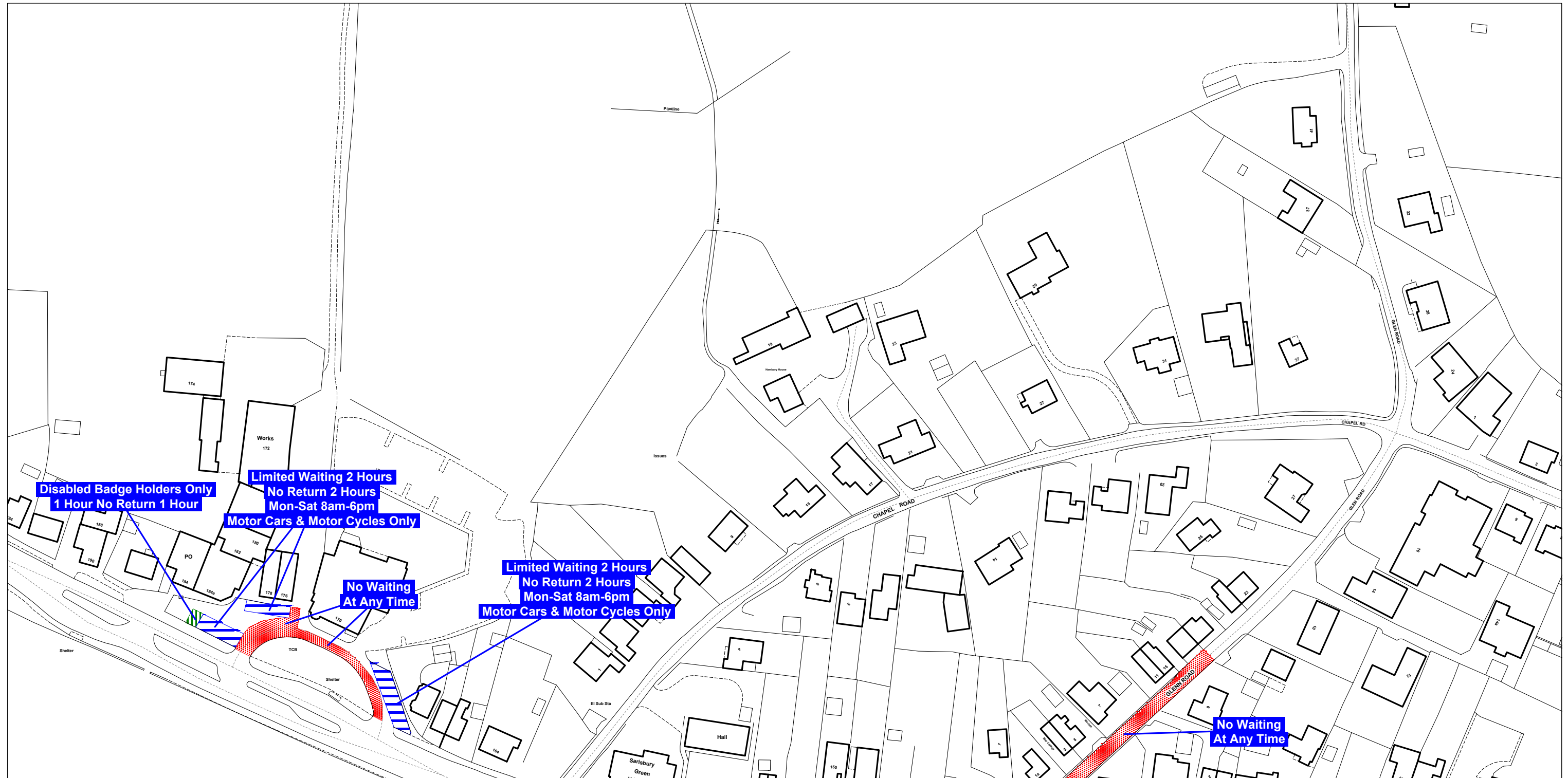
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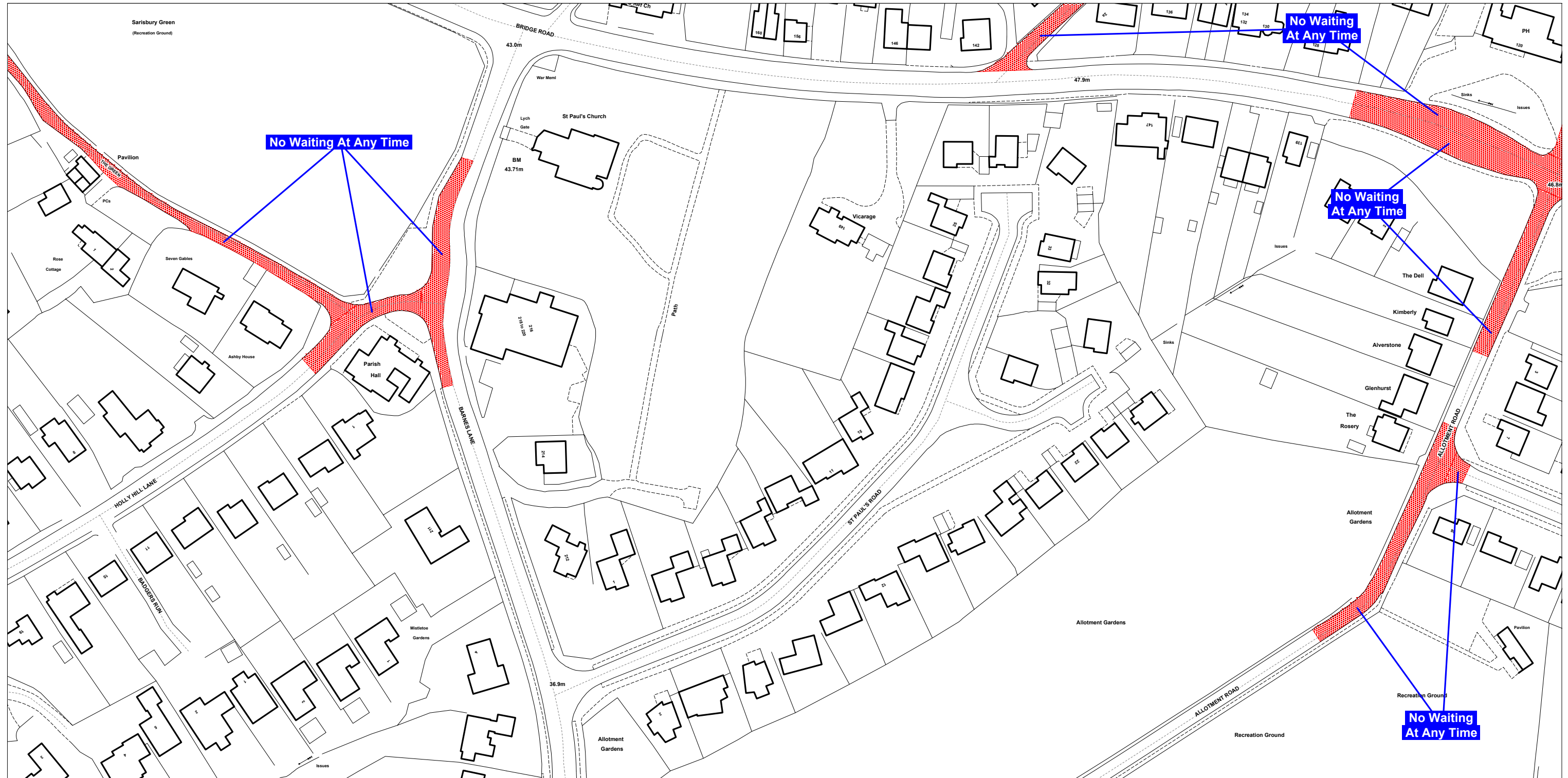
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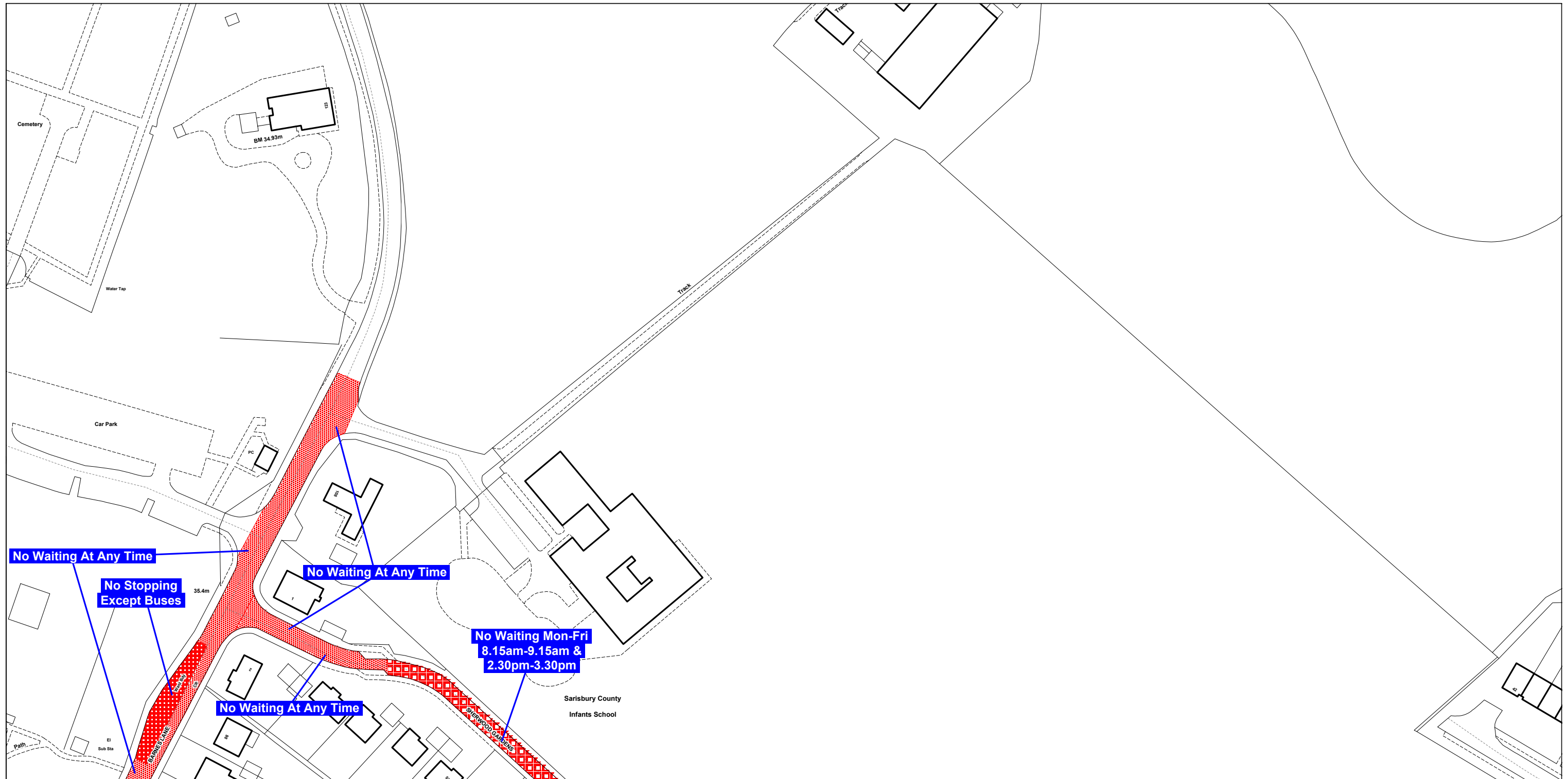
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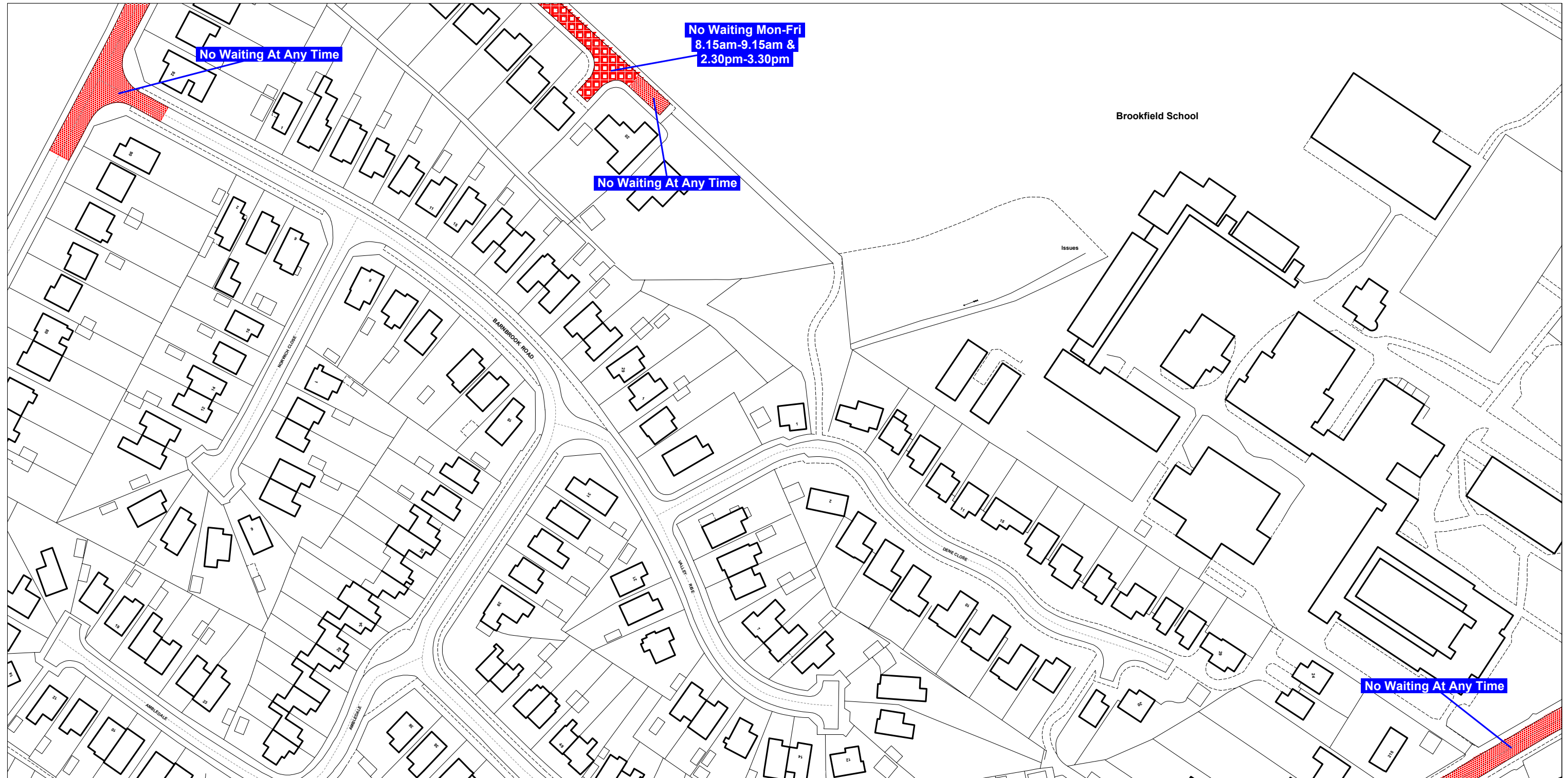
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No Waiting At Any Time

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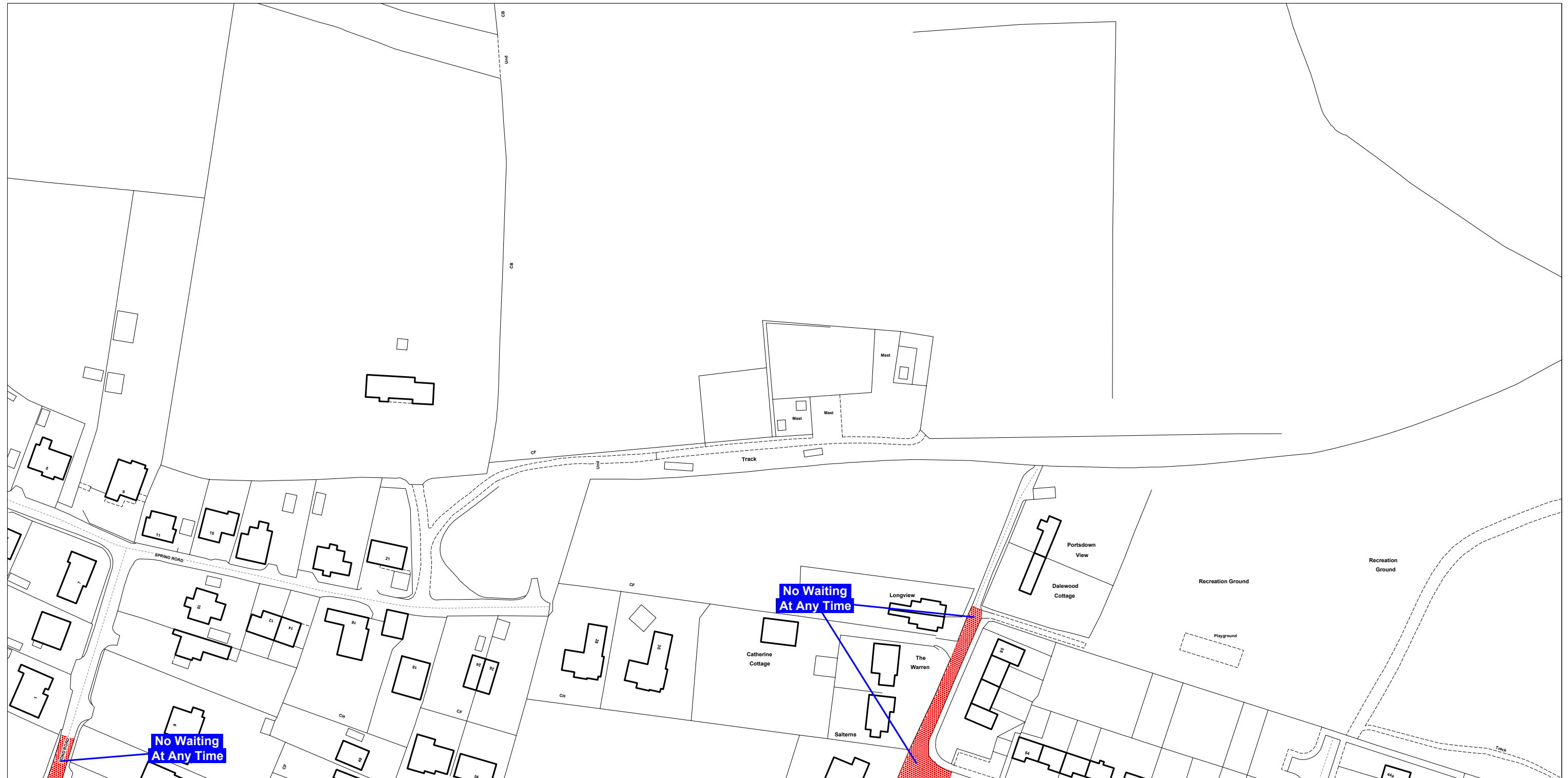


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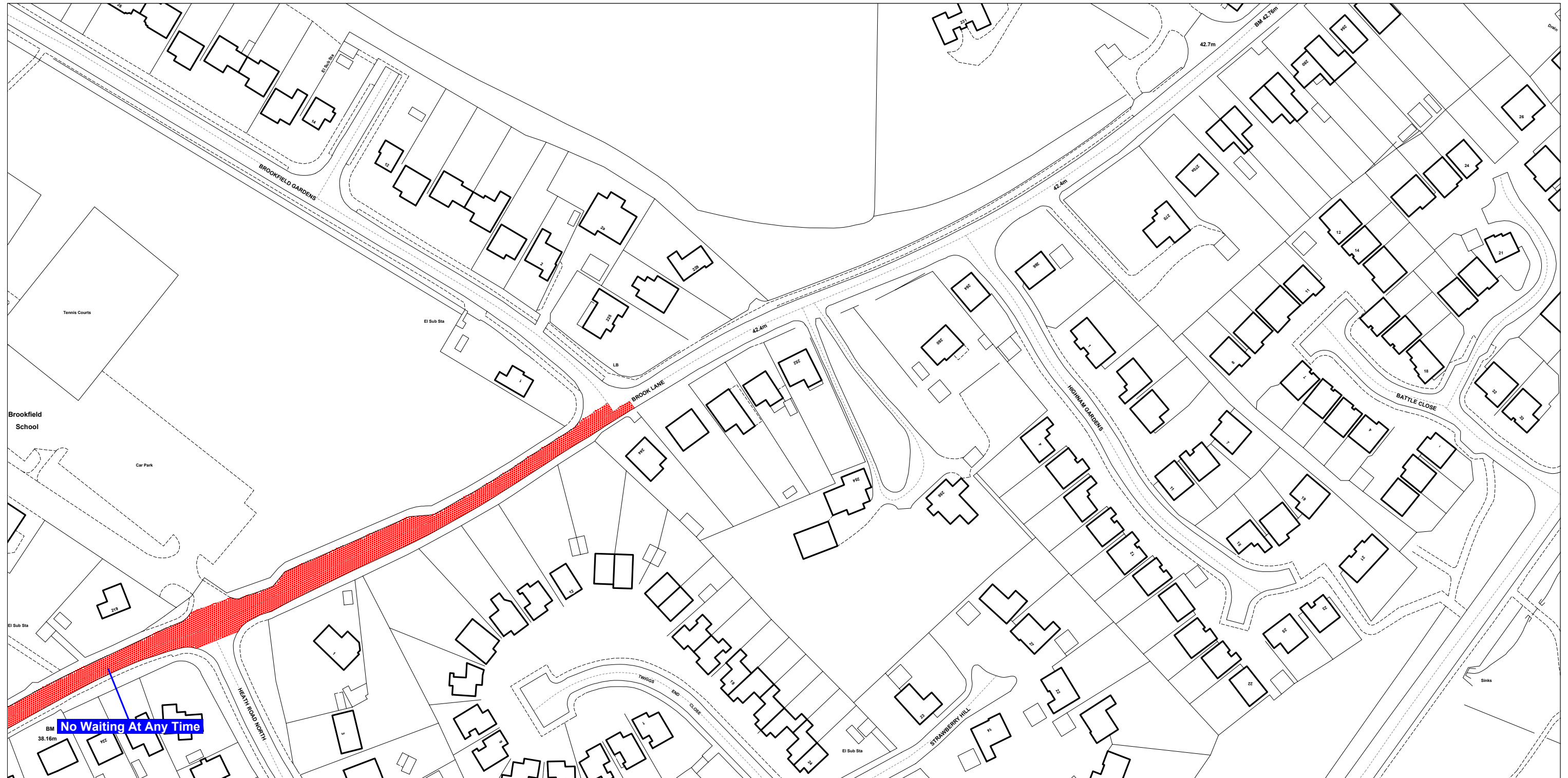
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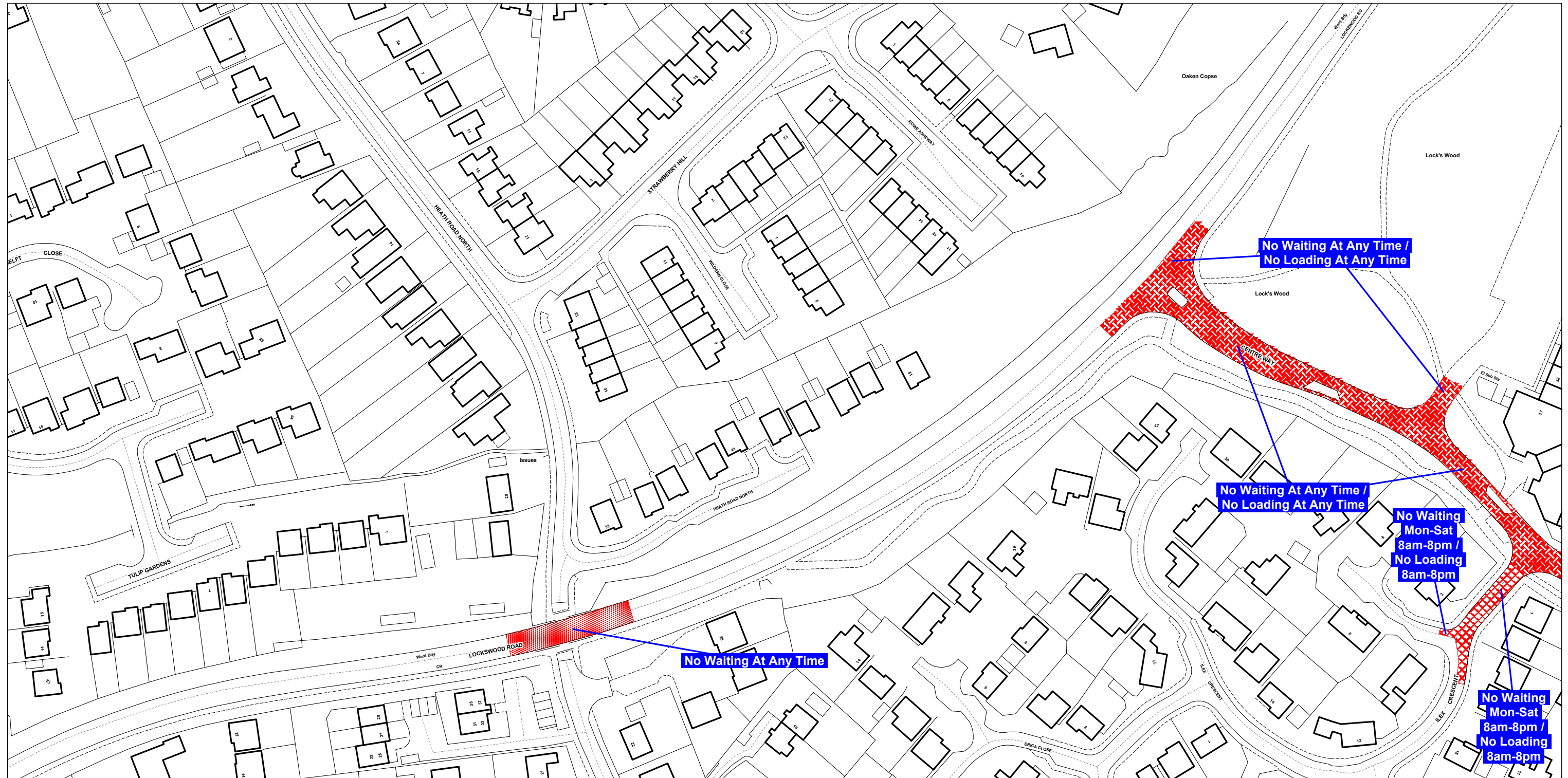
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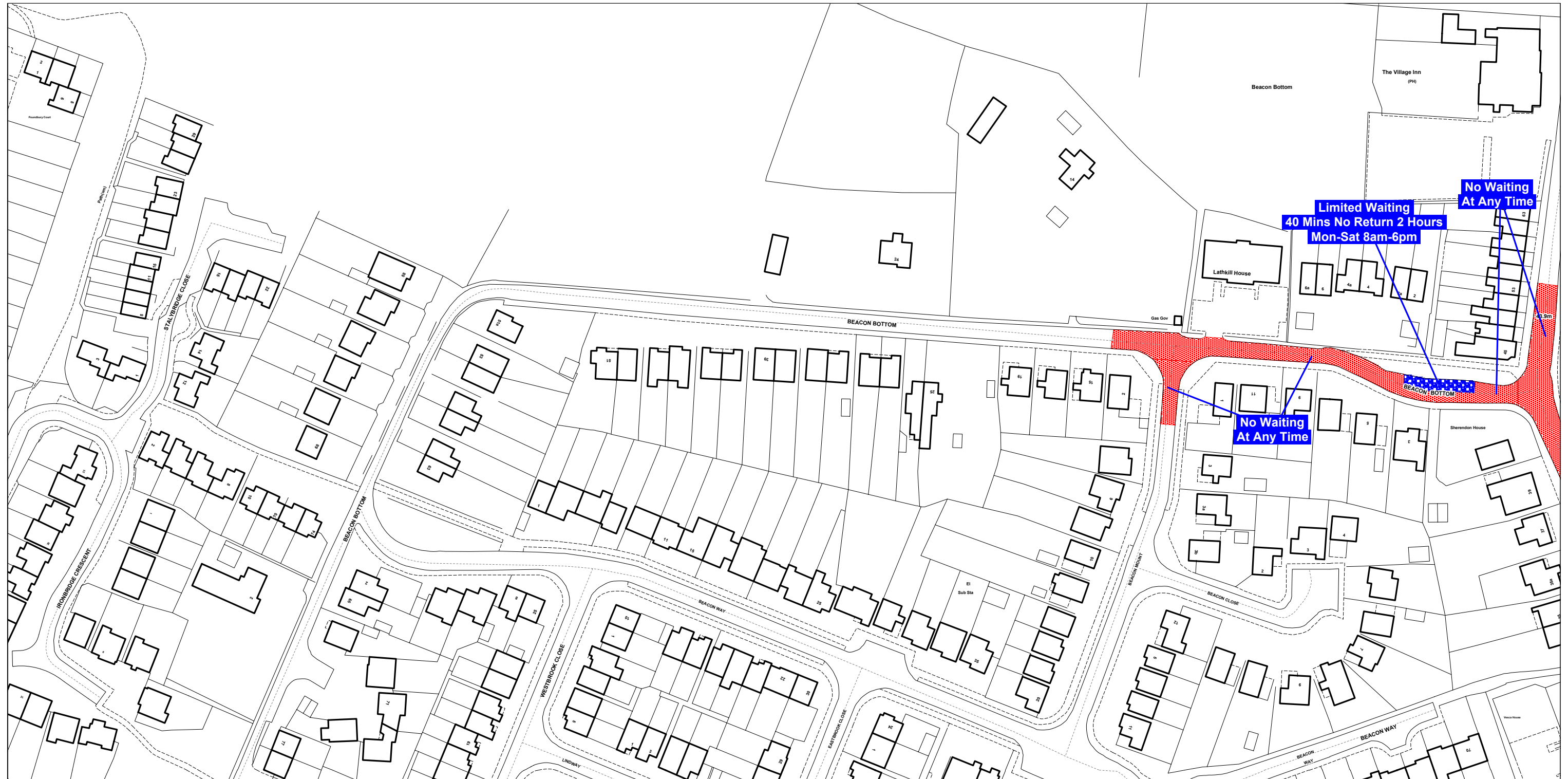
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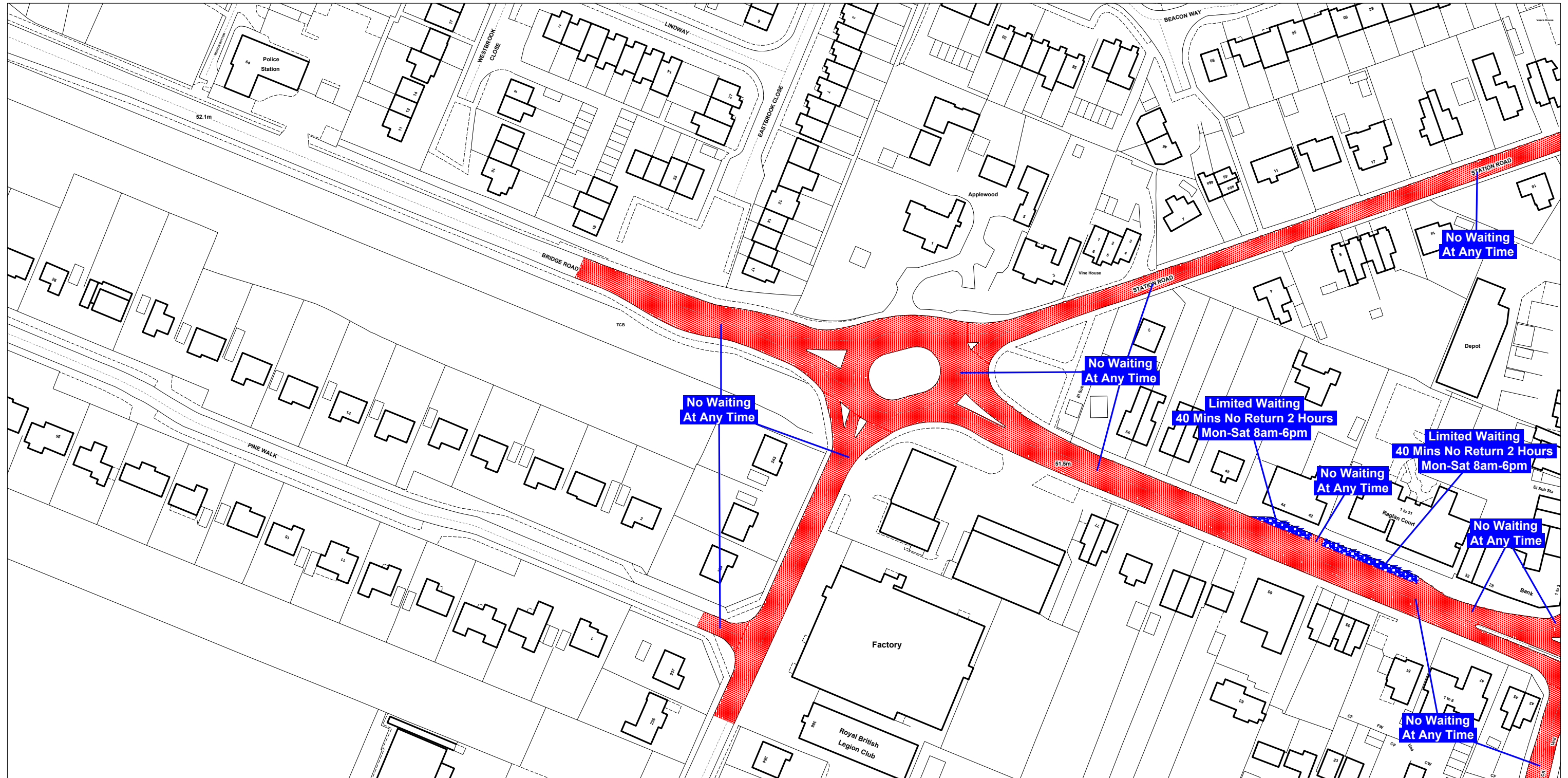
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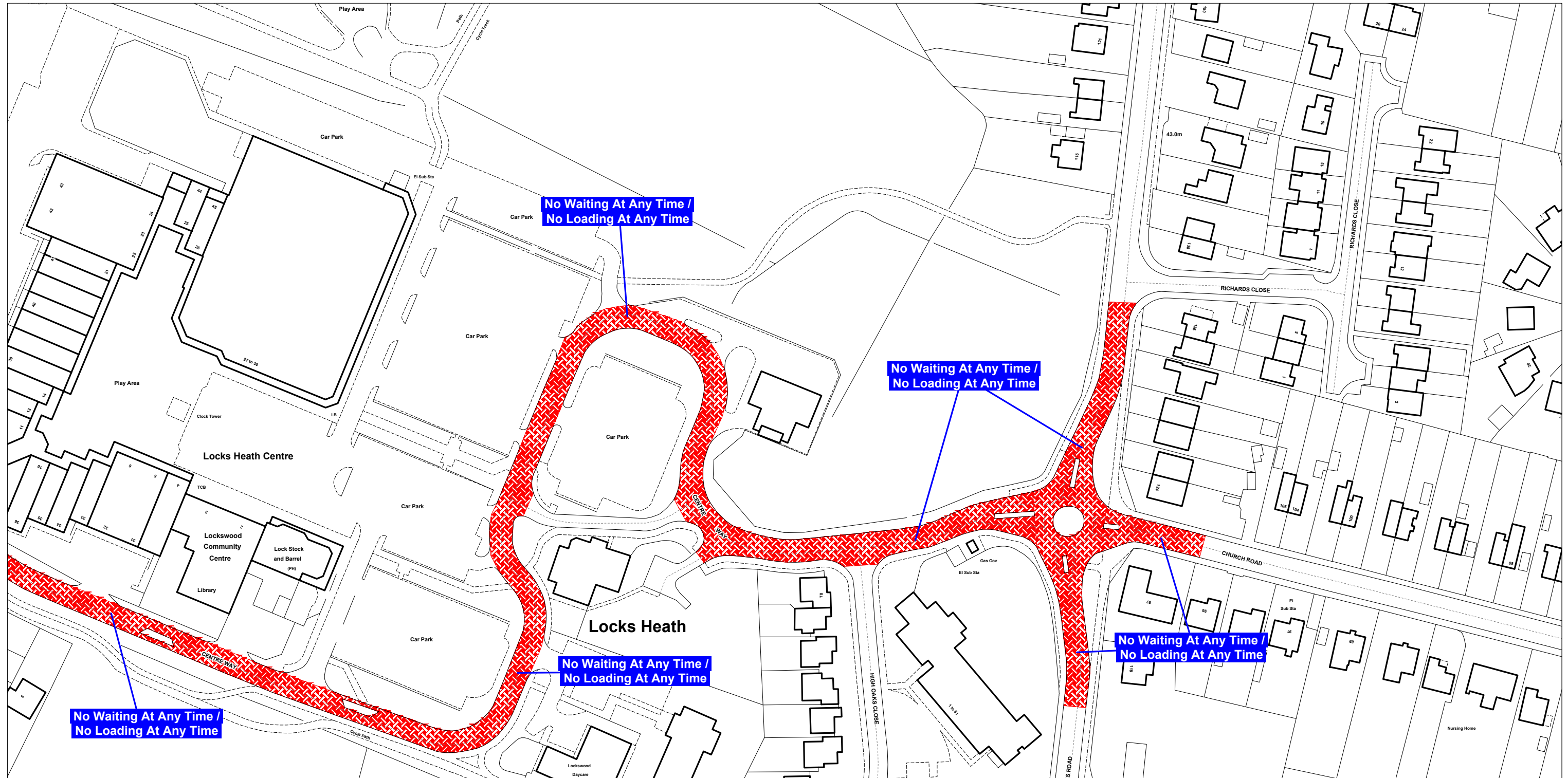


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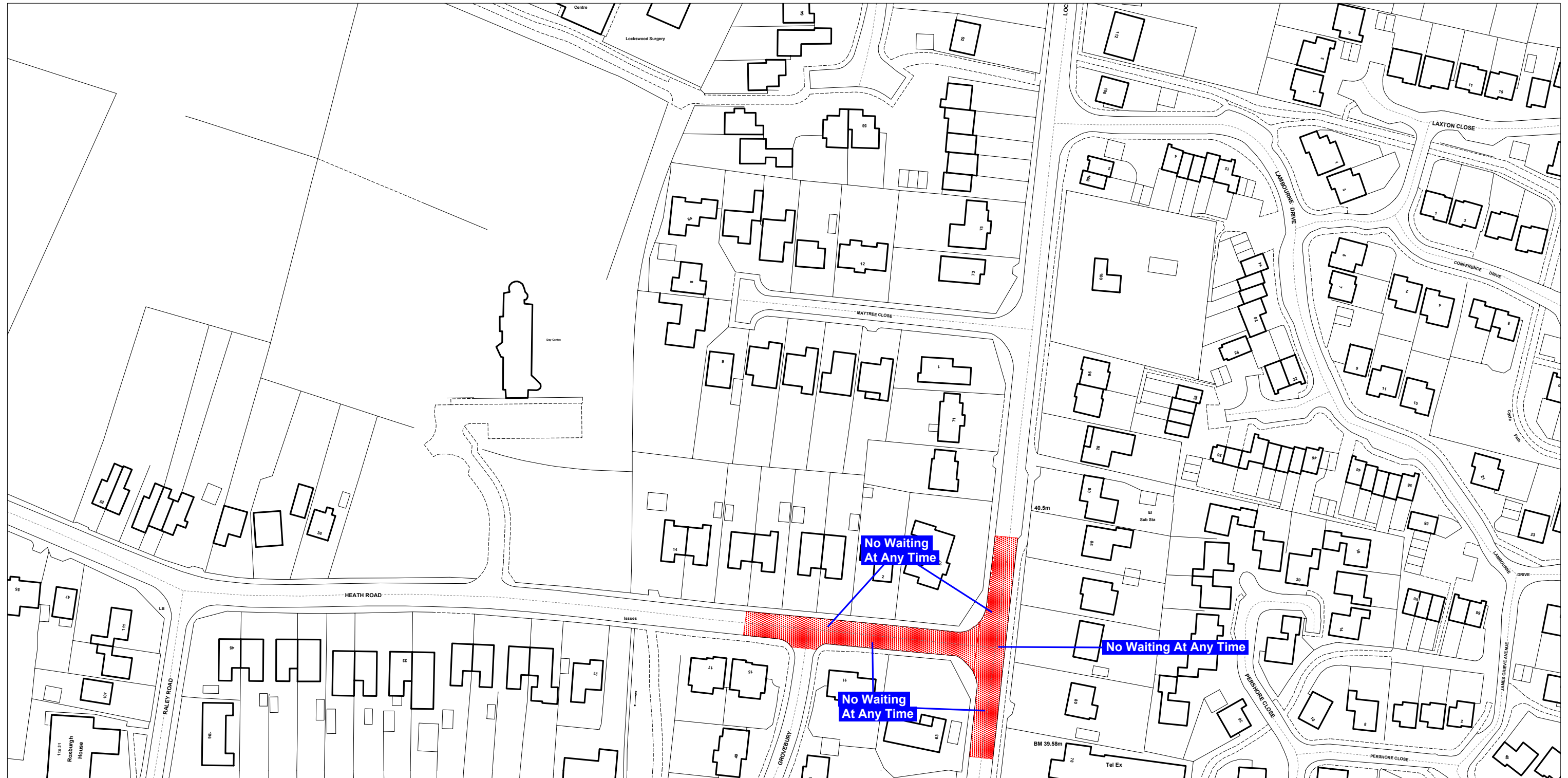
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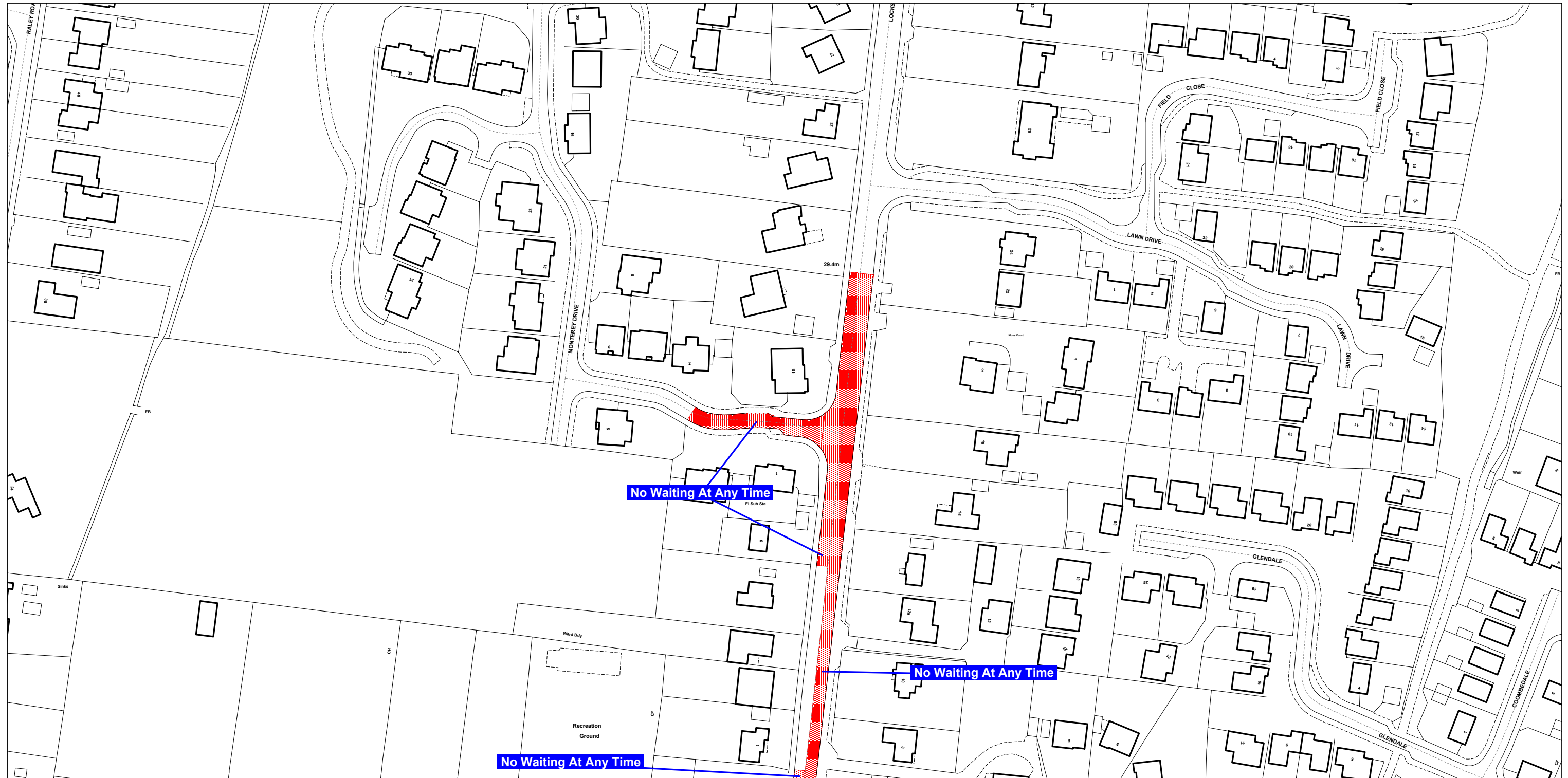
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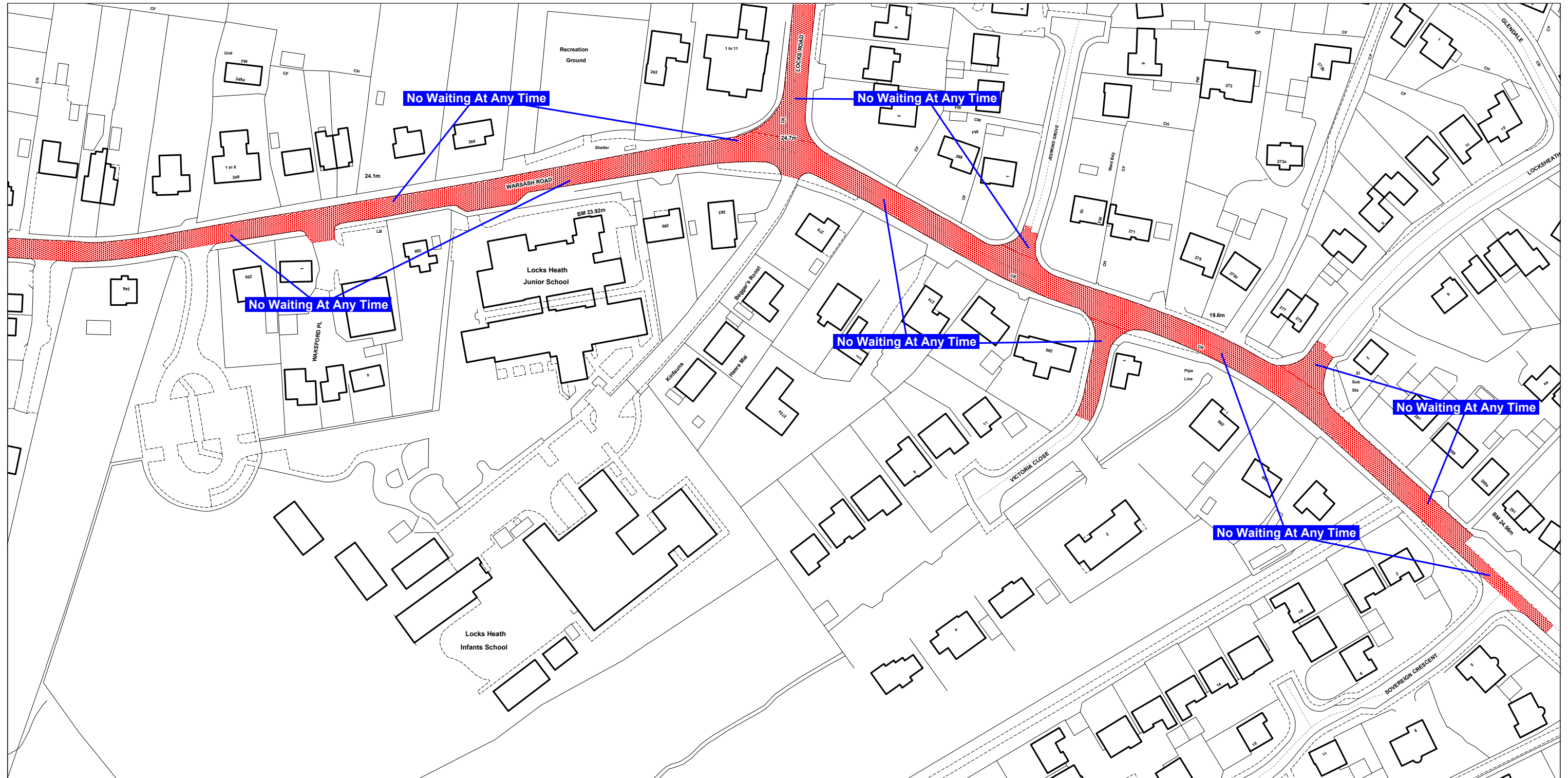
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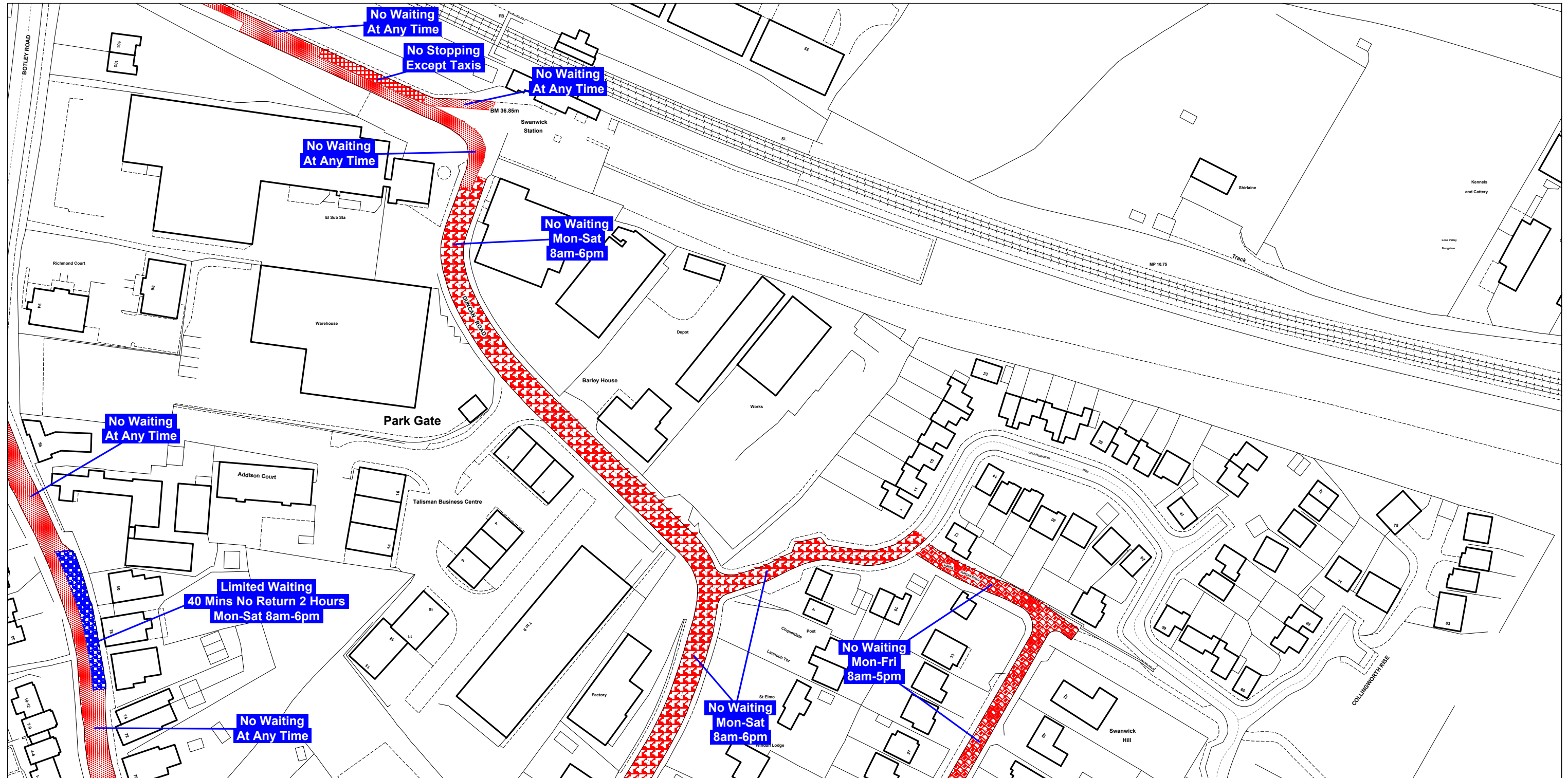
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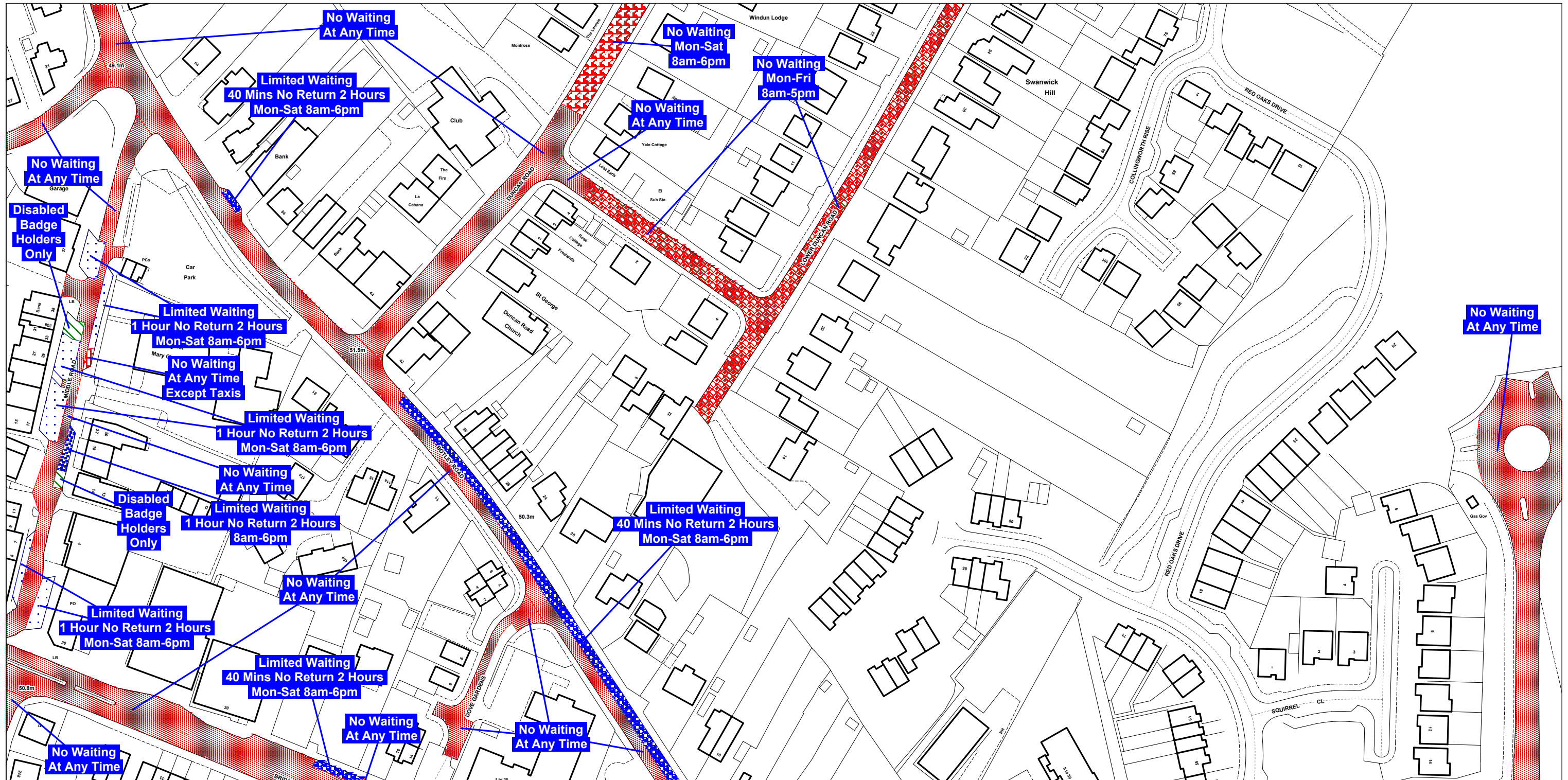
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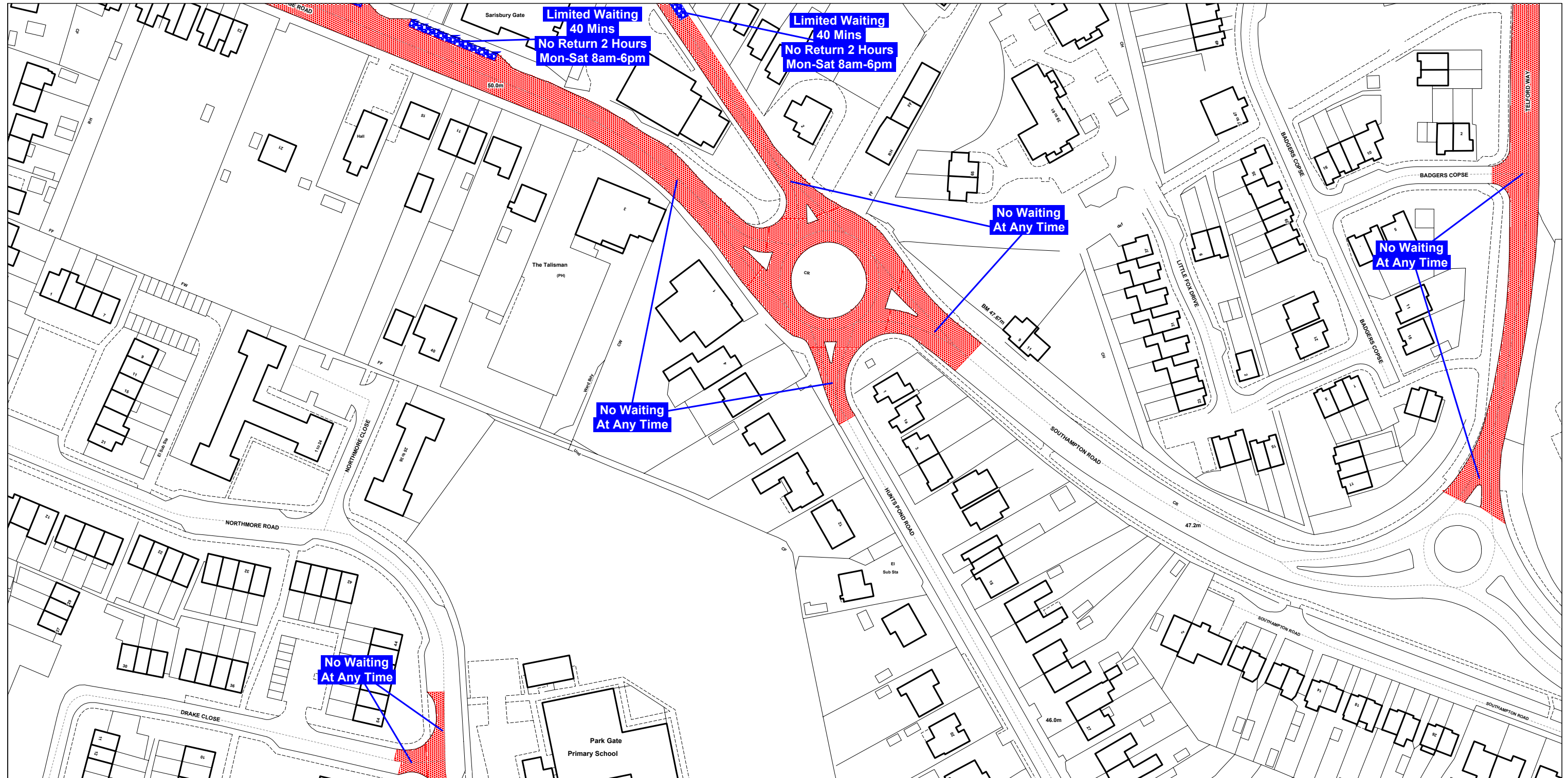
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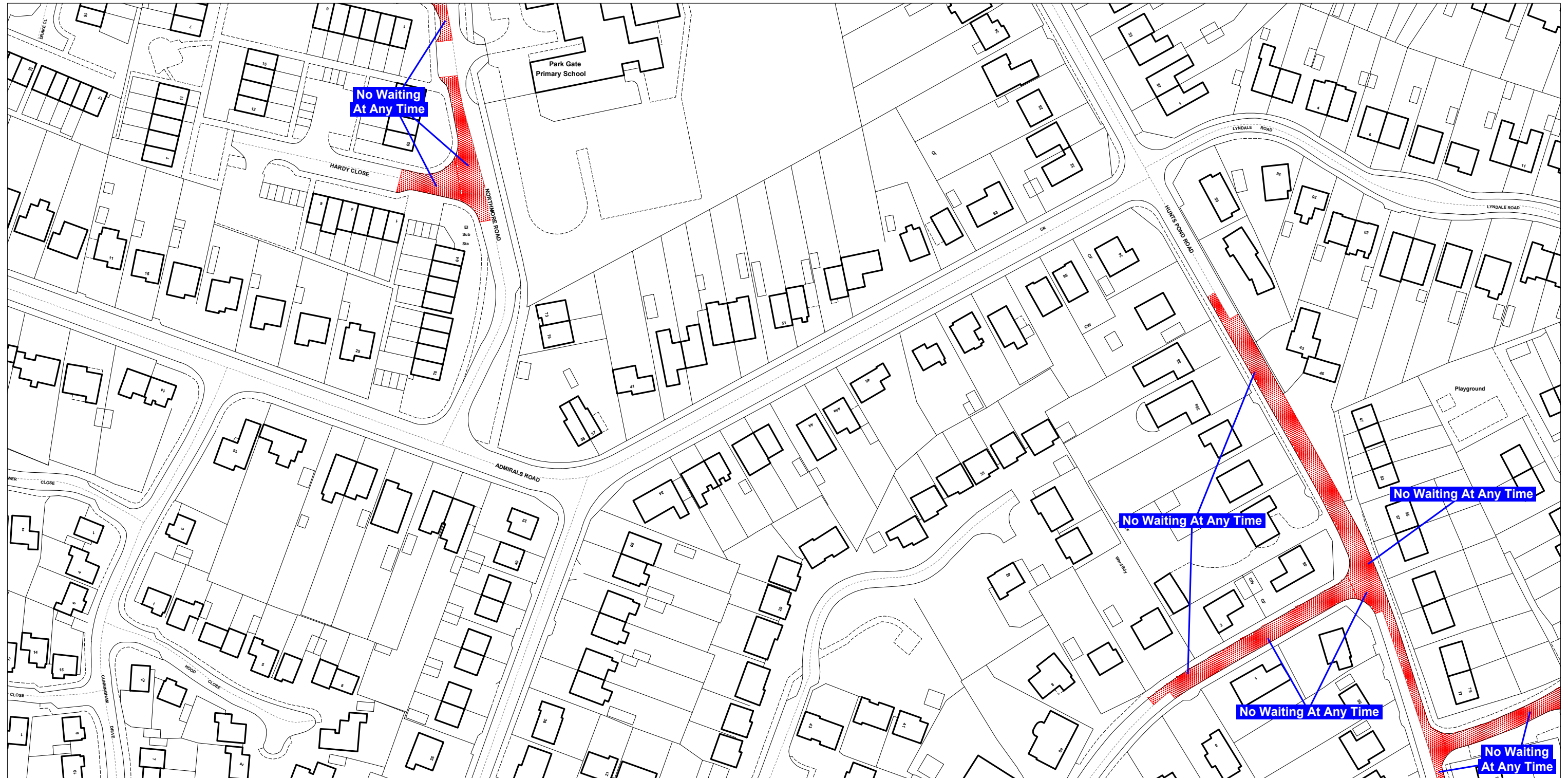


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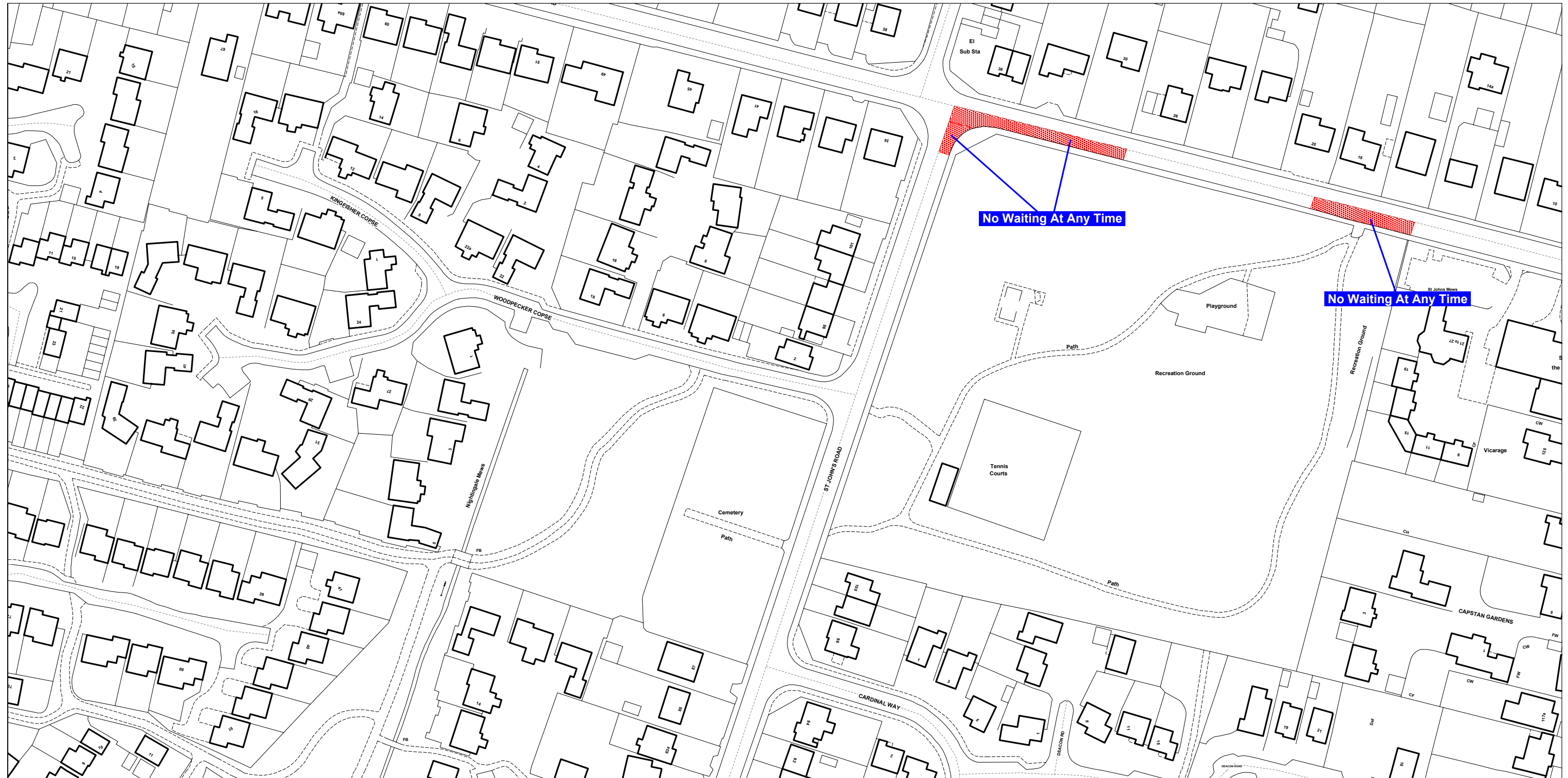
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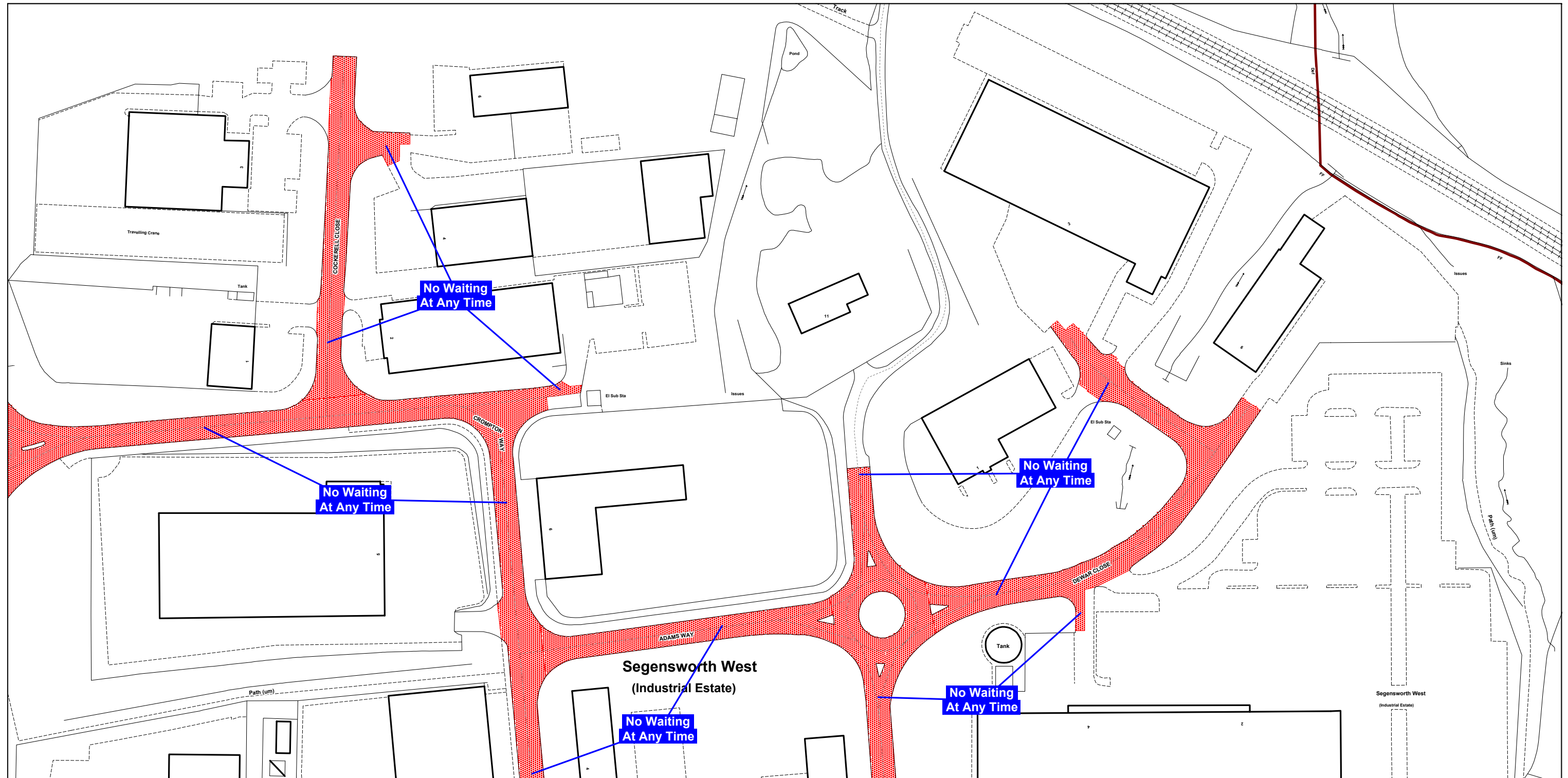
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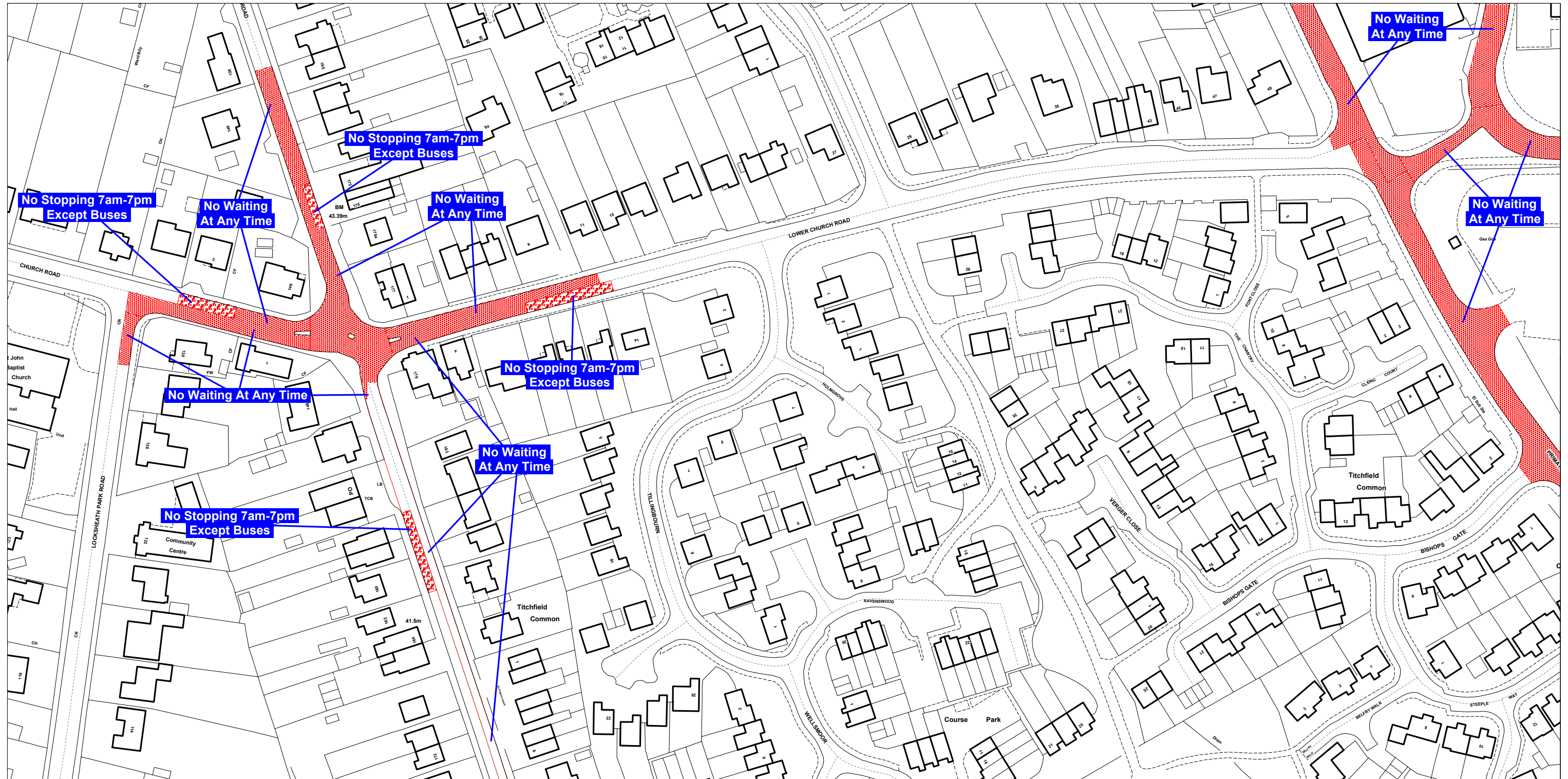
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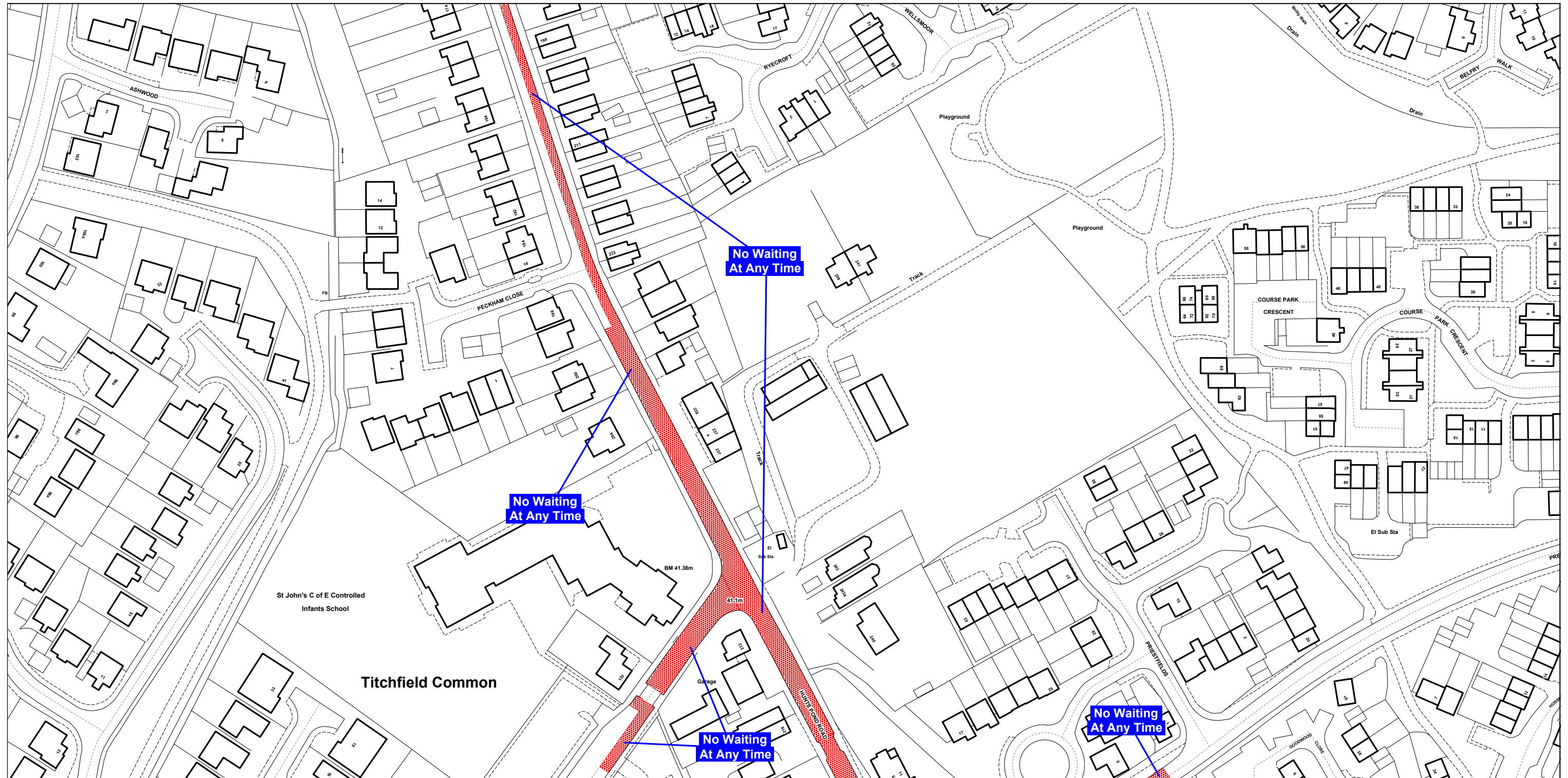
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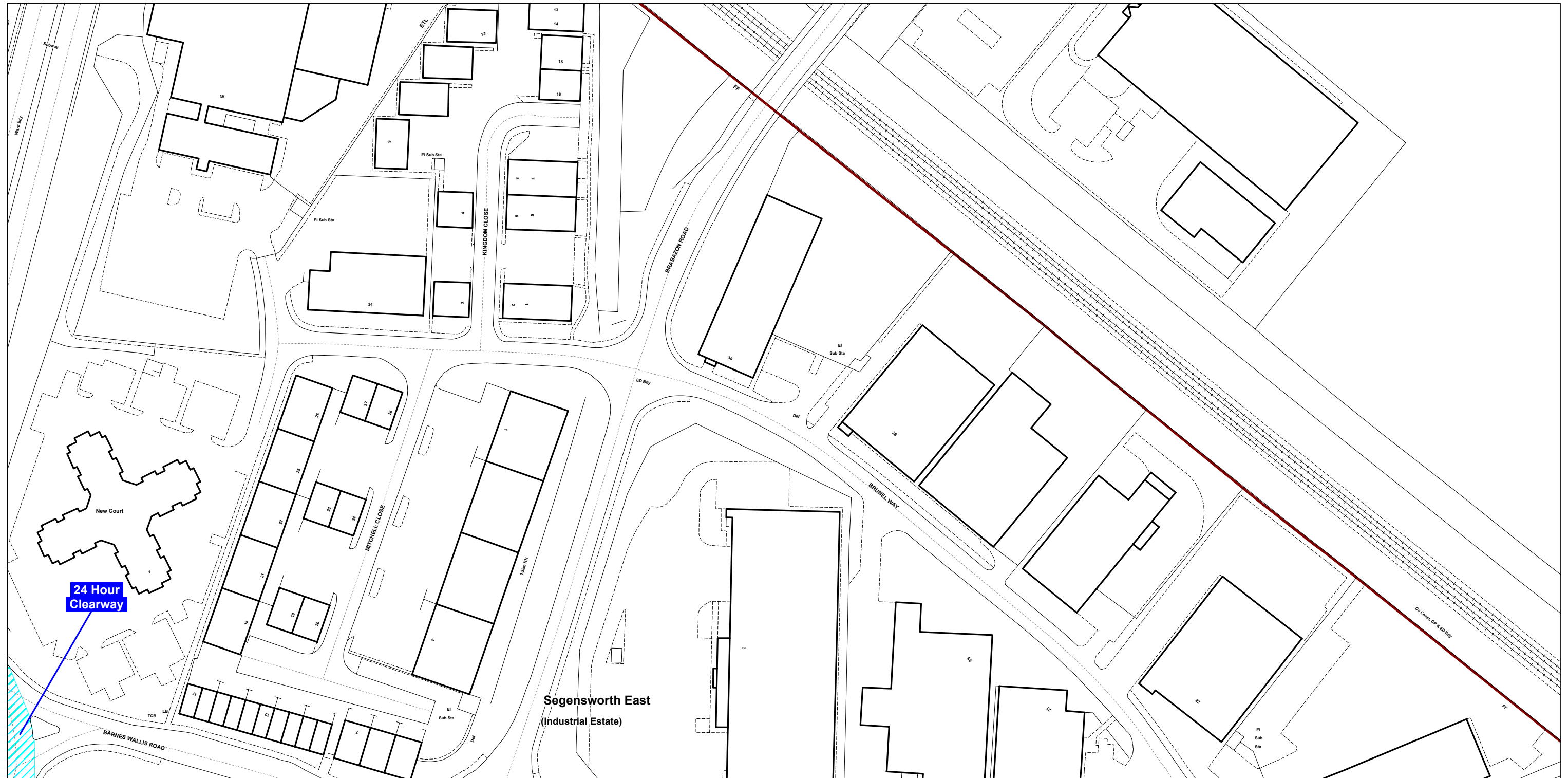
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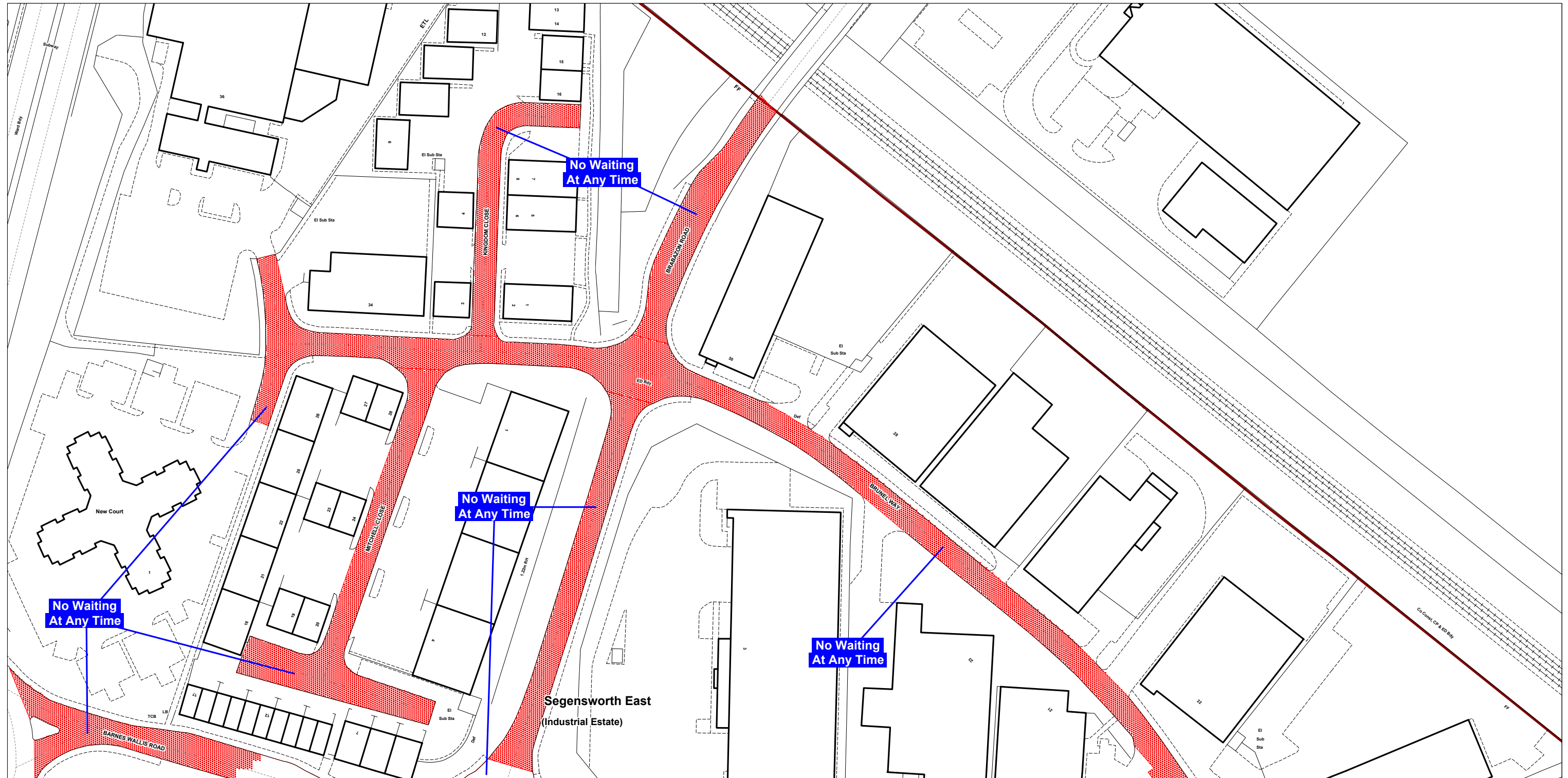
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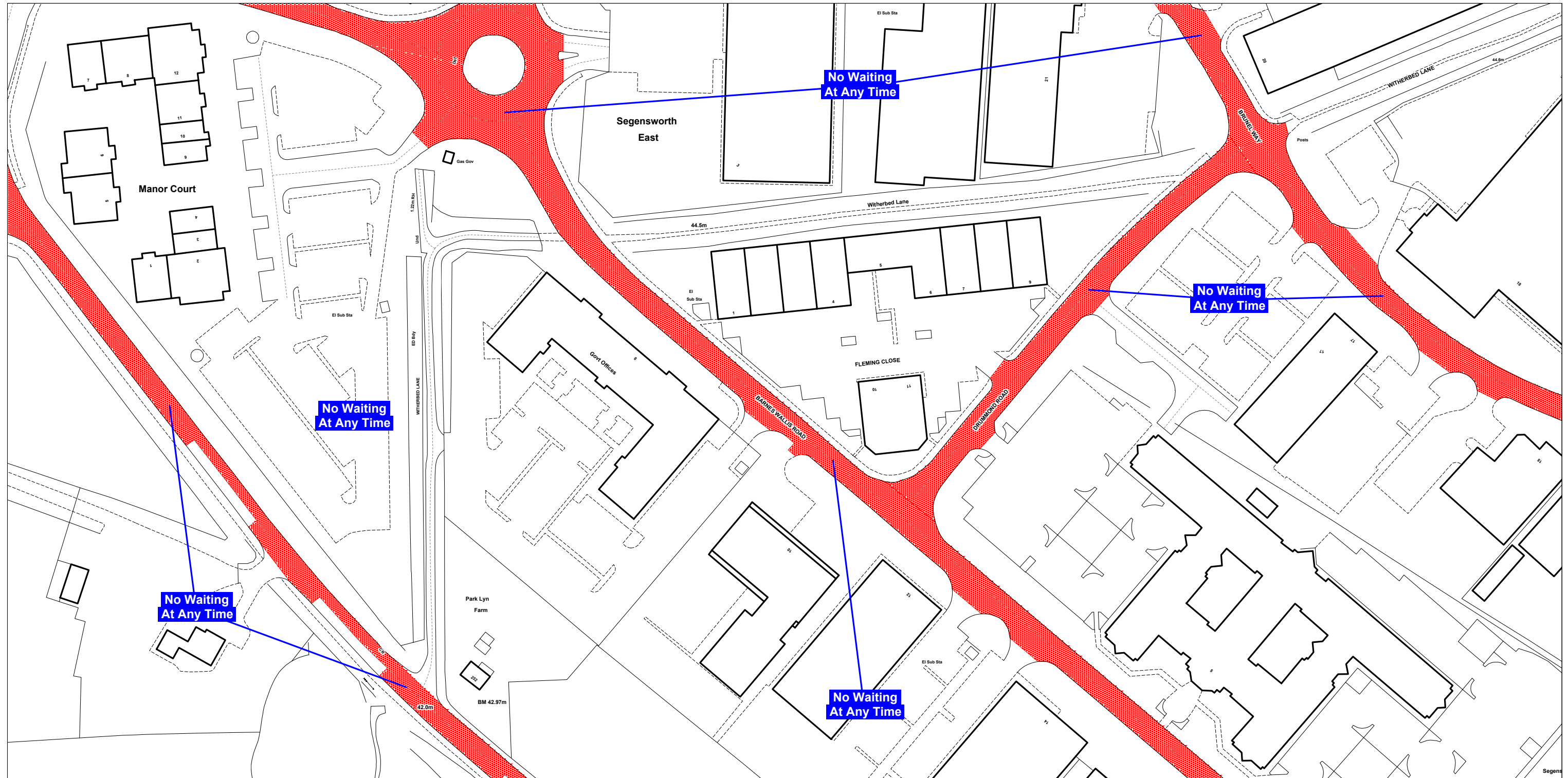
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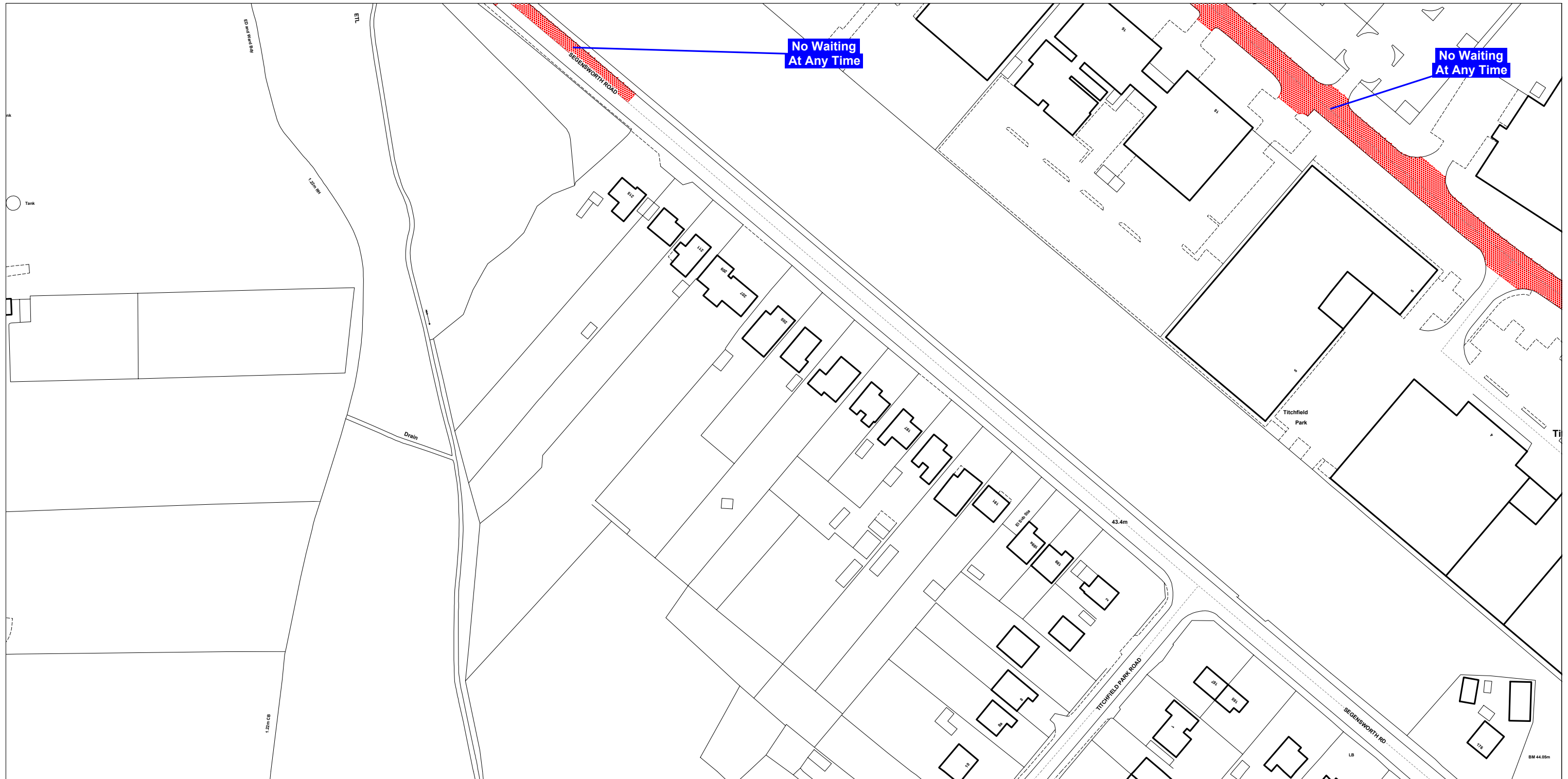
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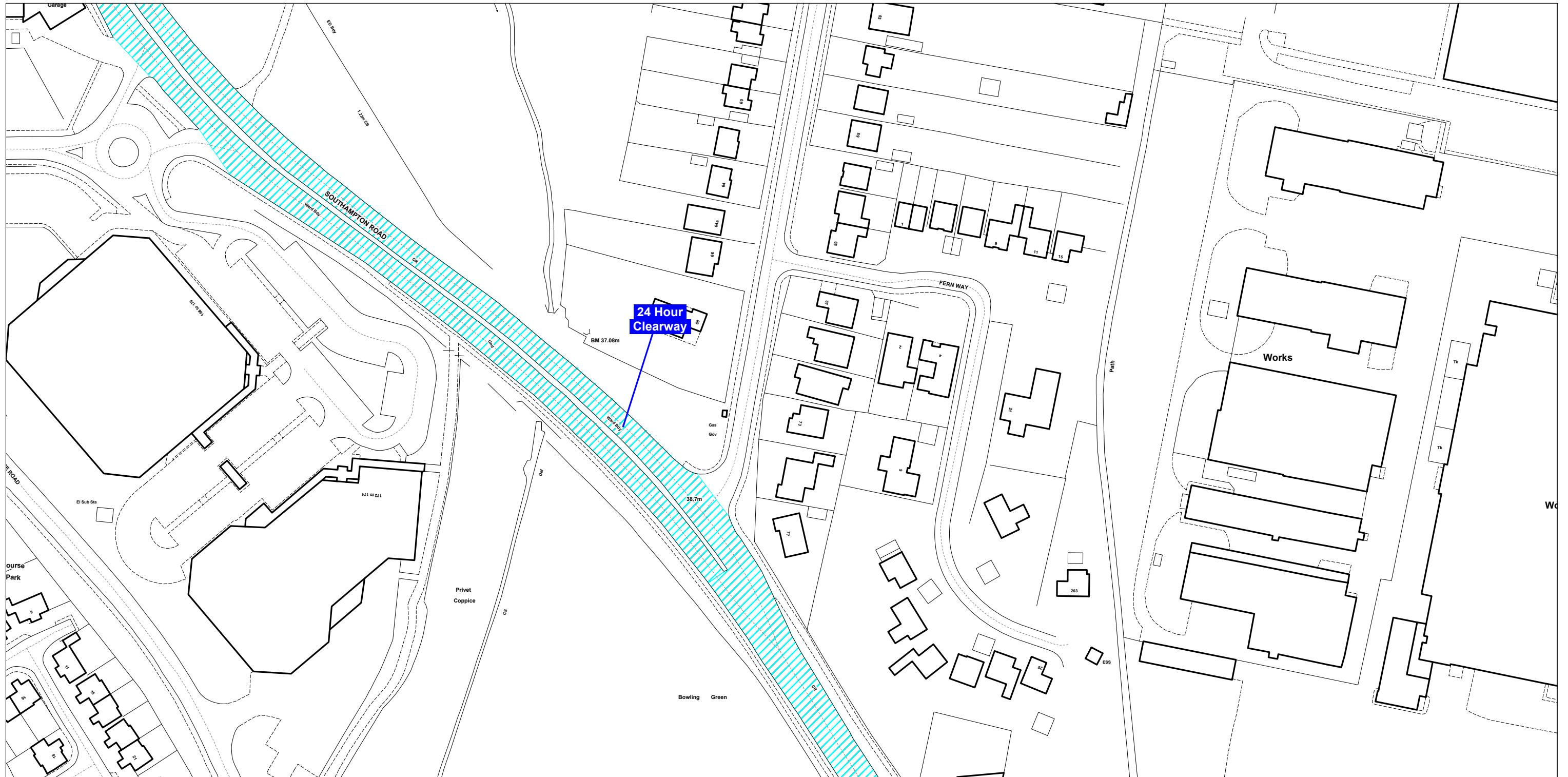
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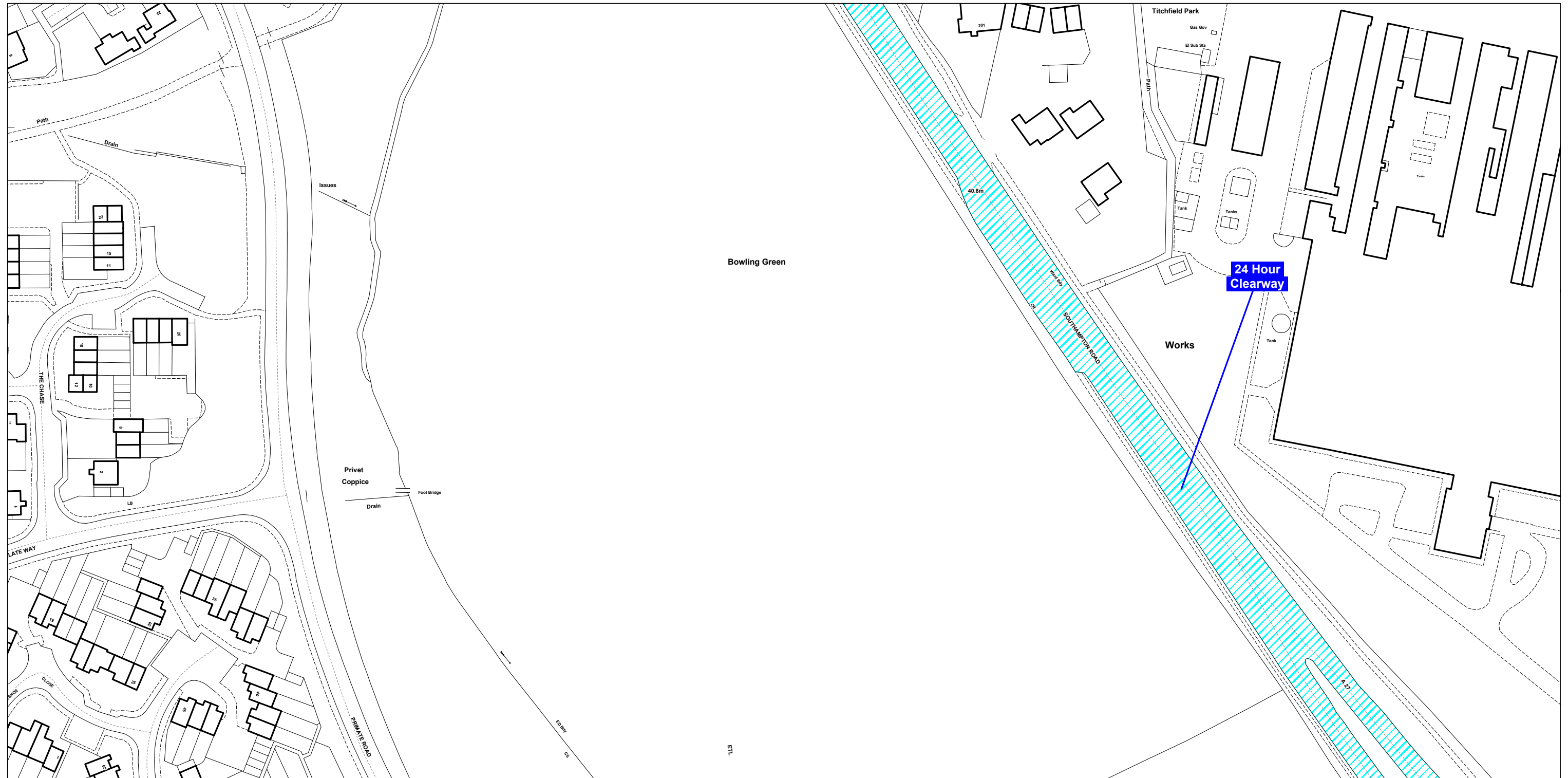
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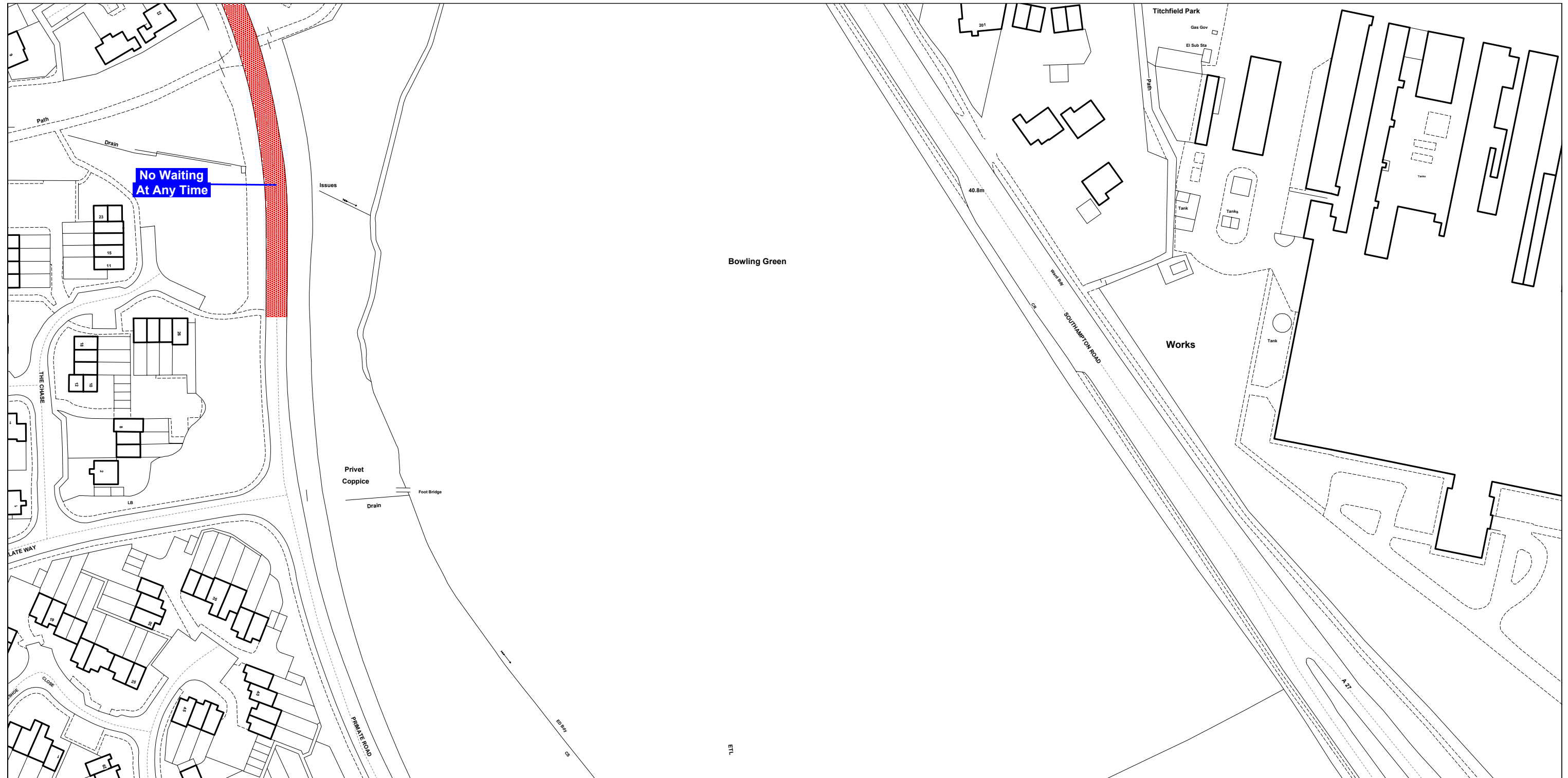
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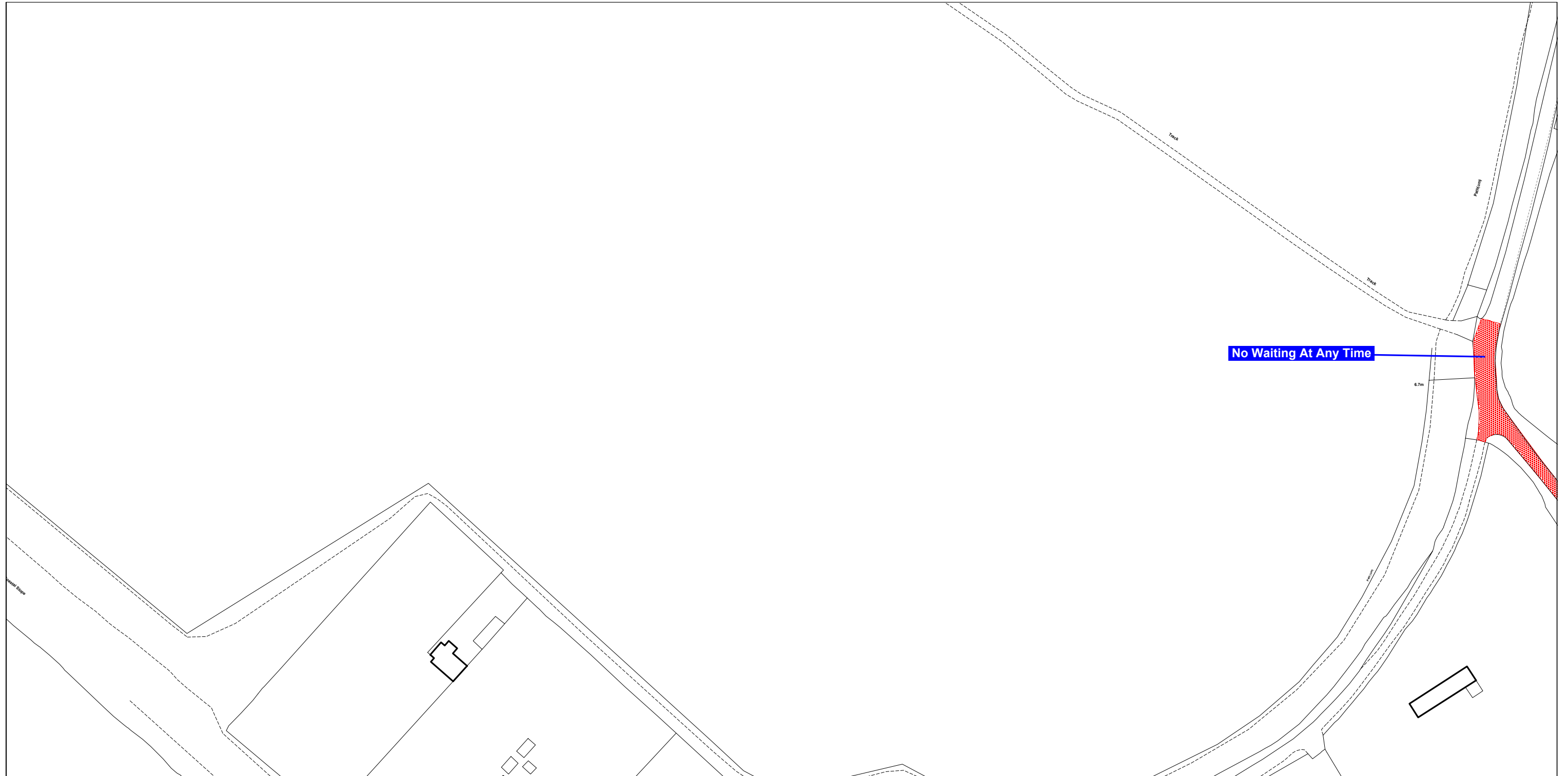
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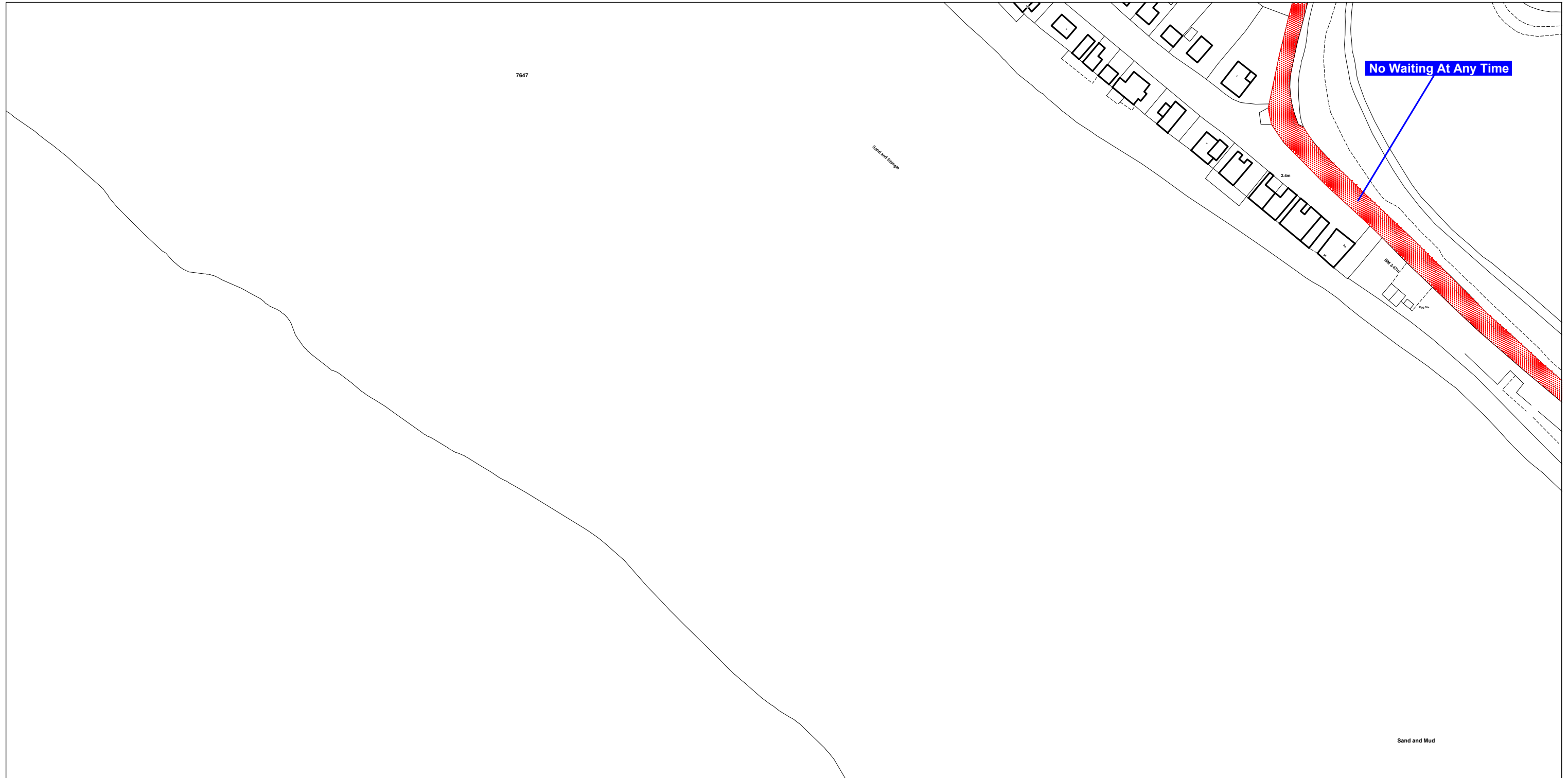


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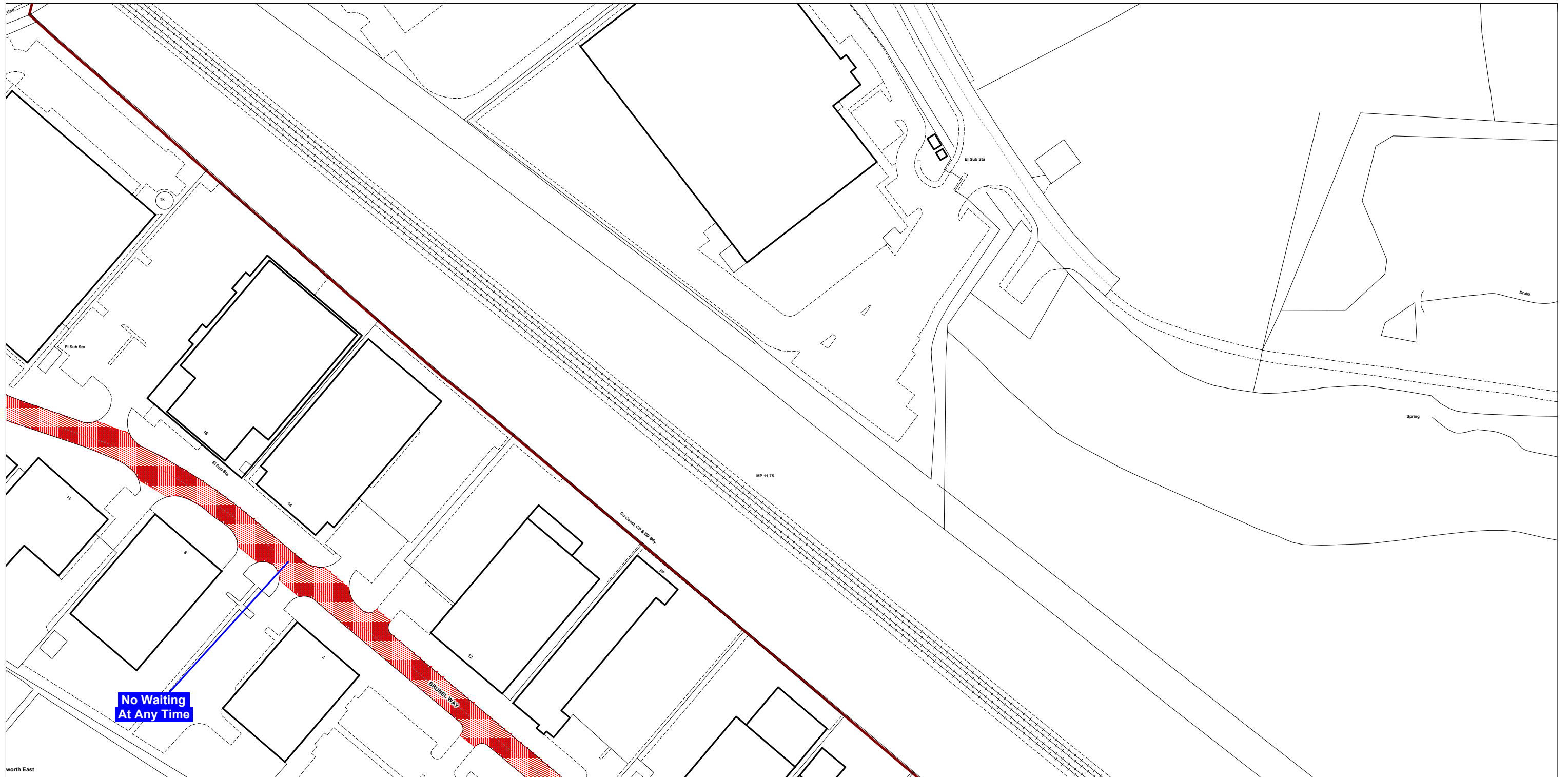
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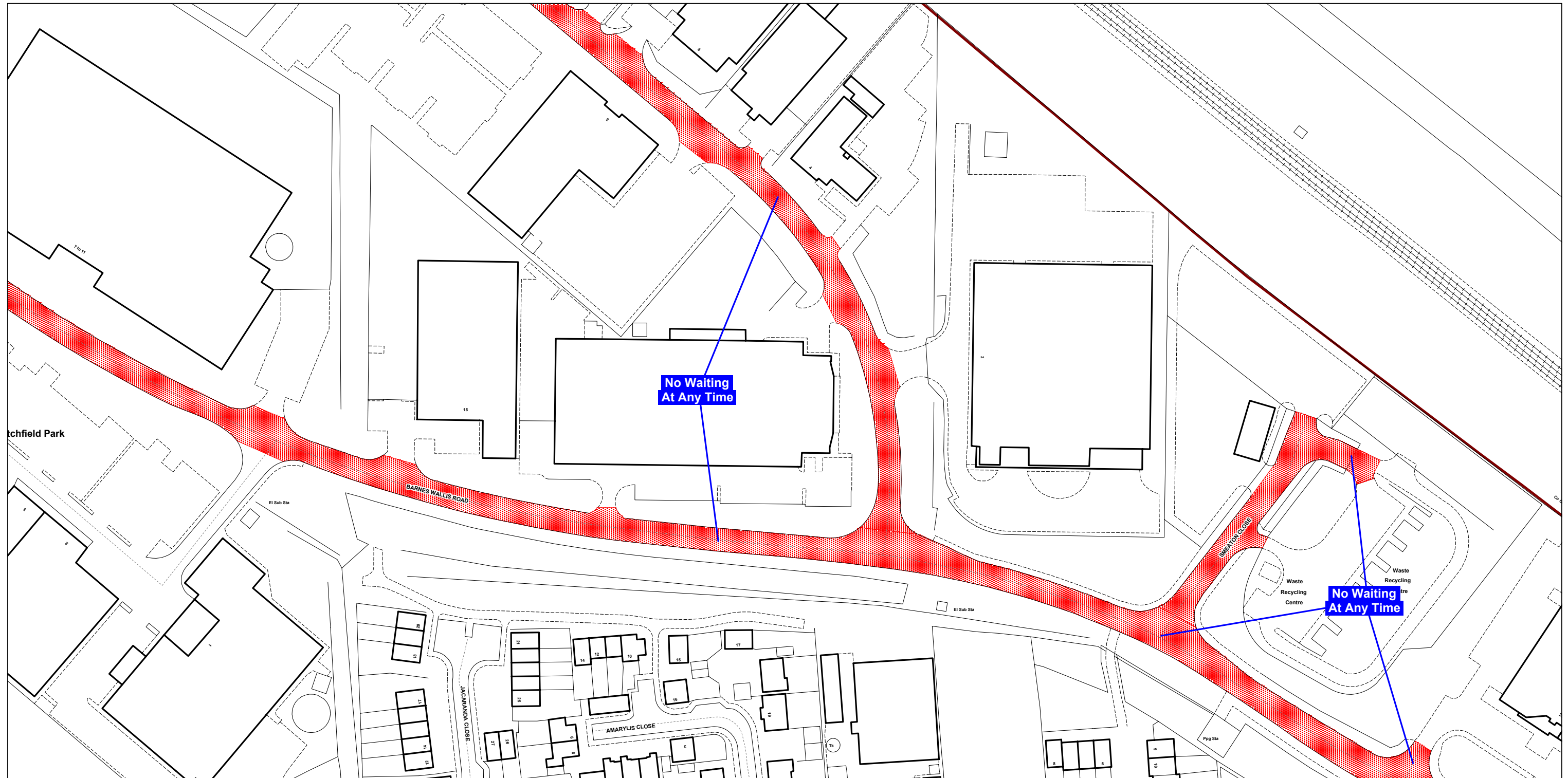
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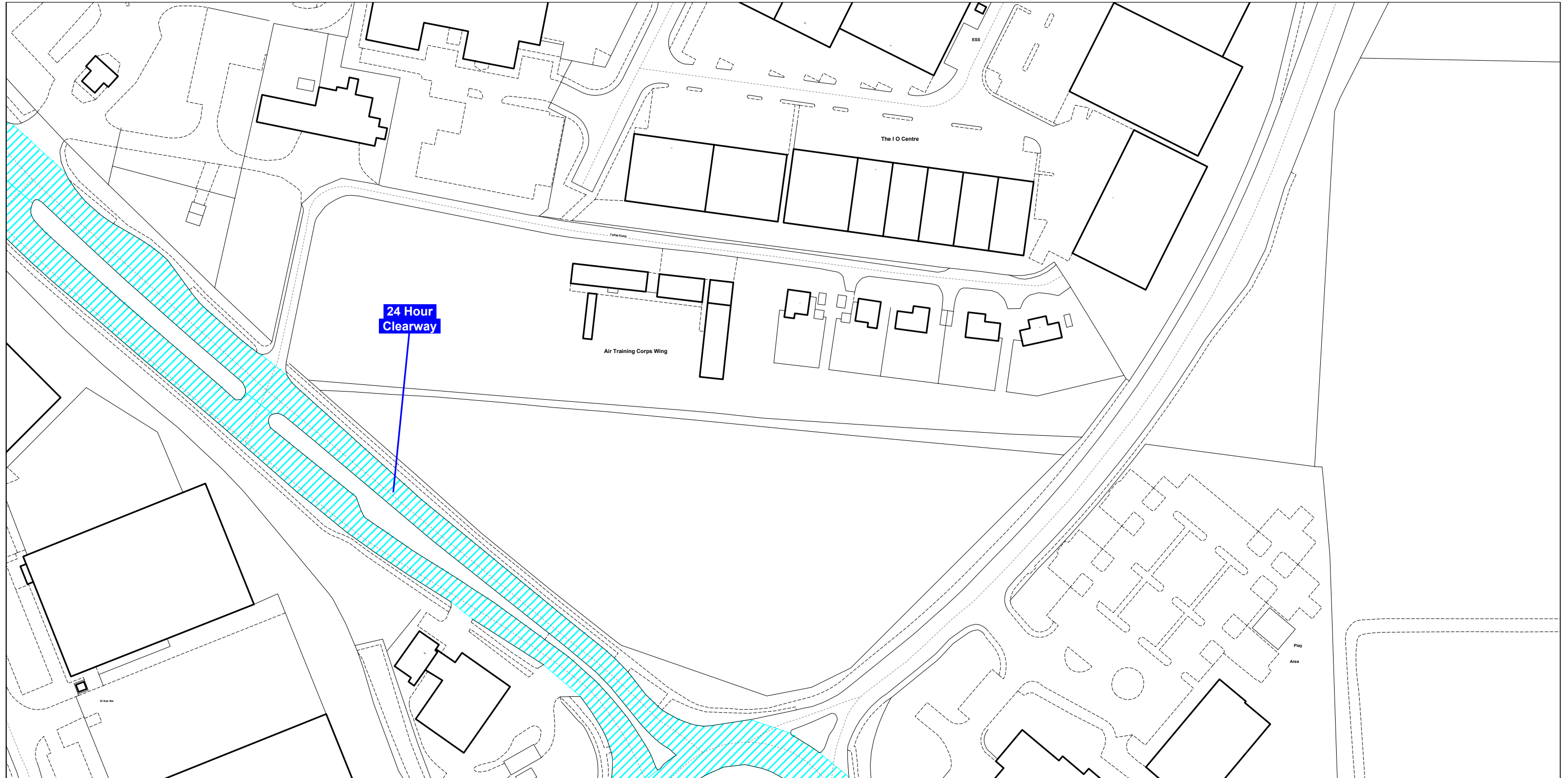
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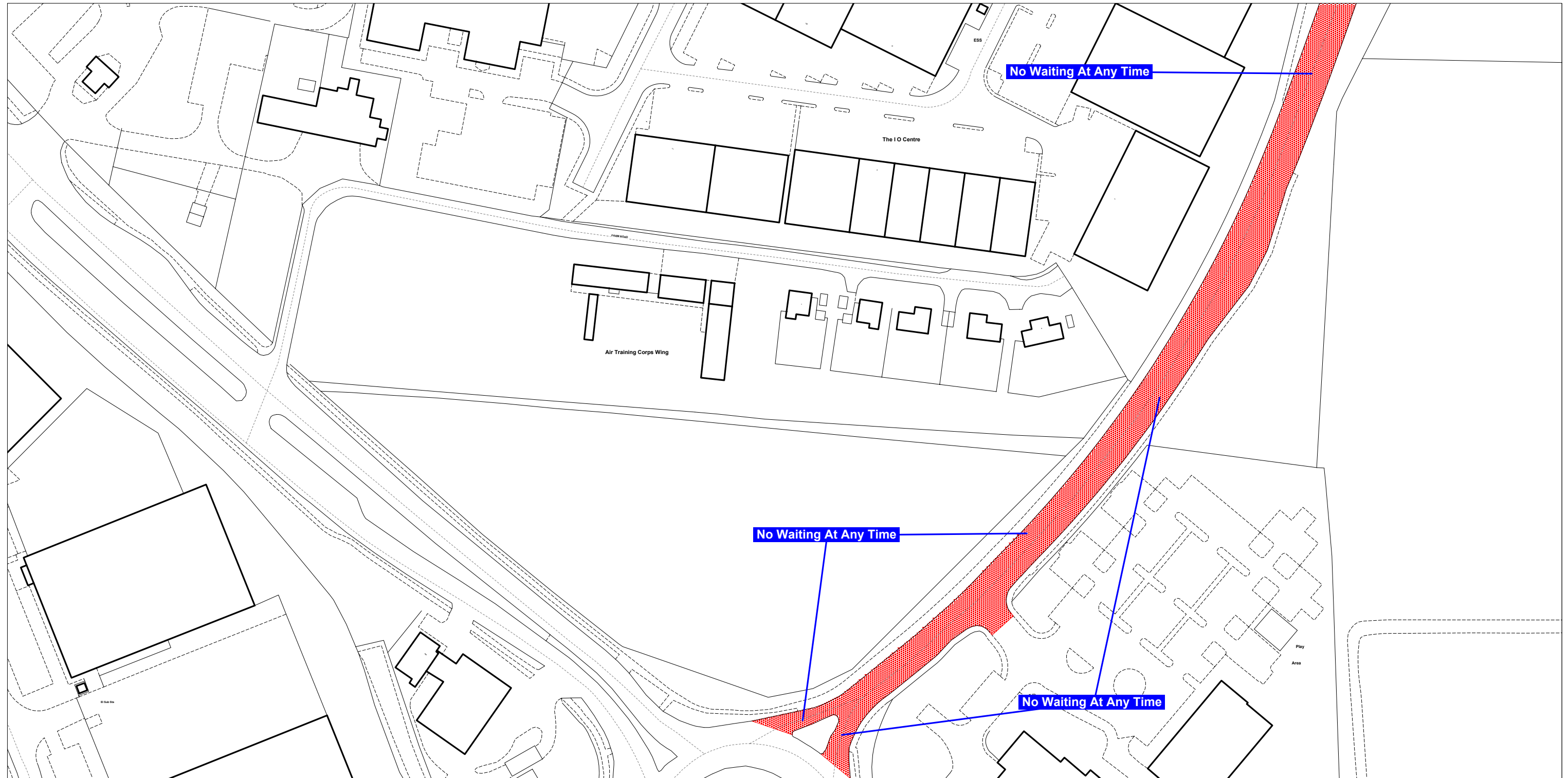
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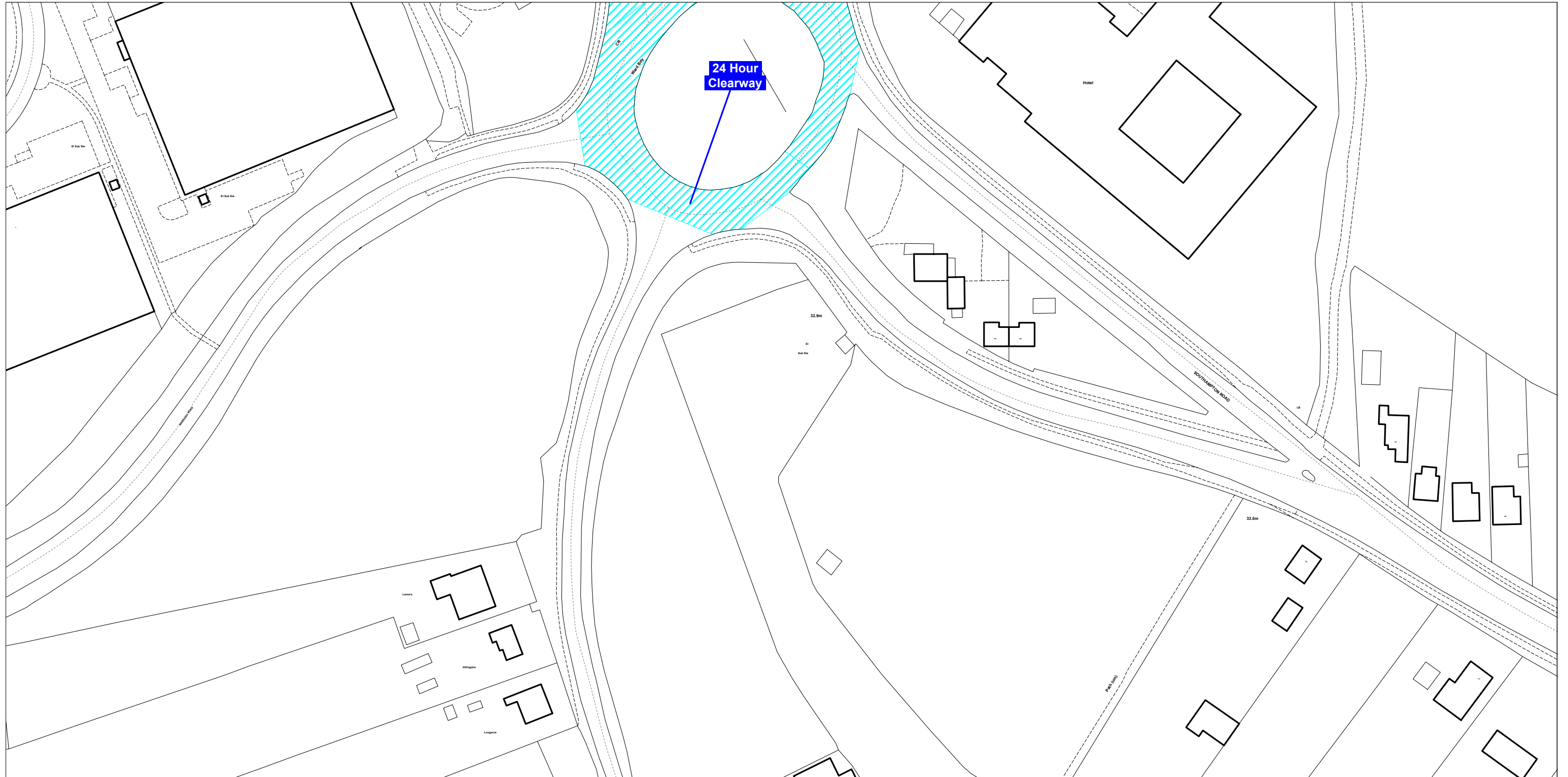


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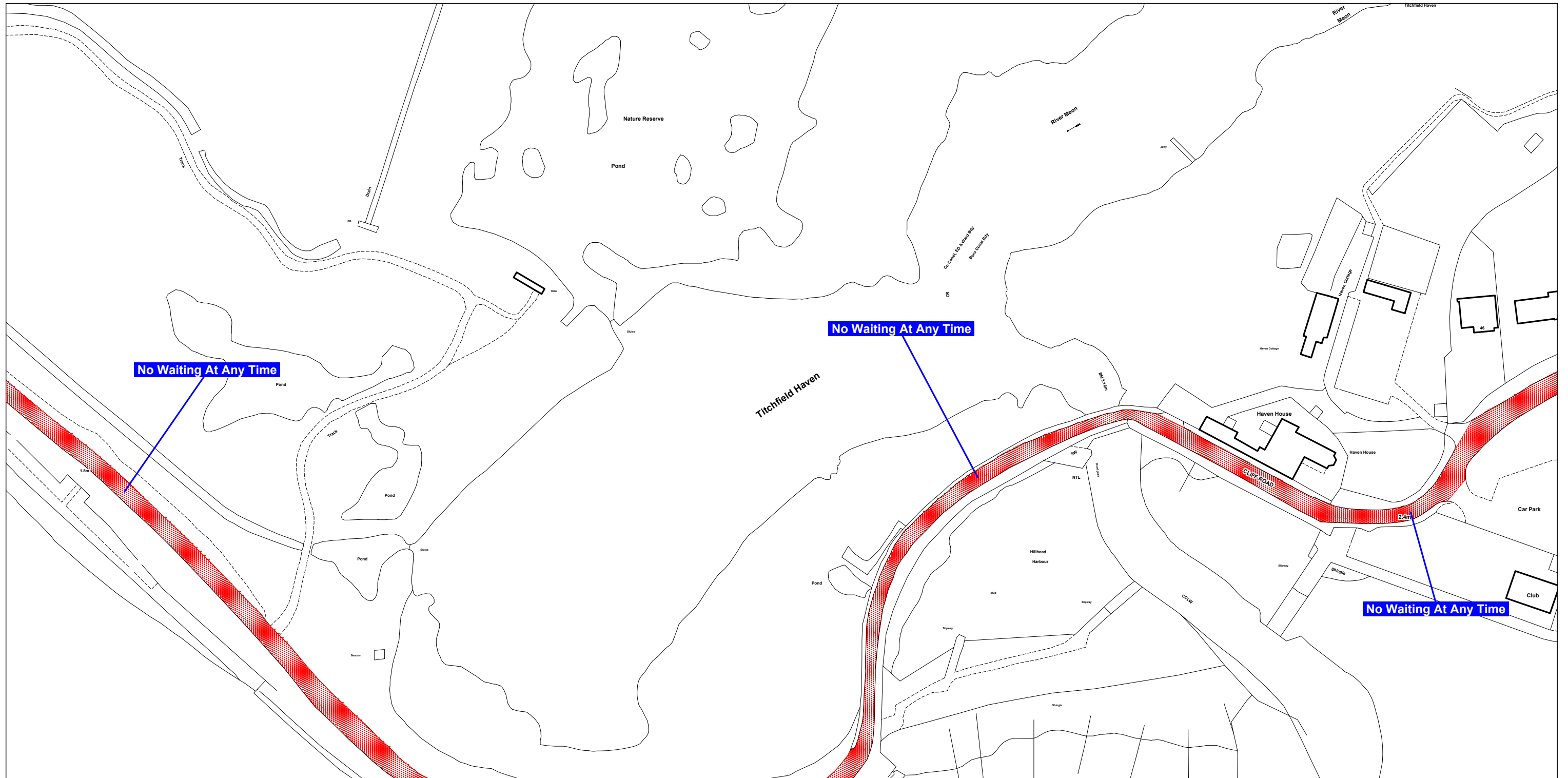
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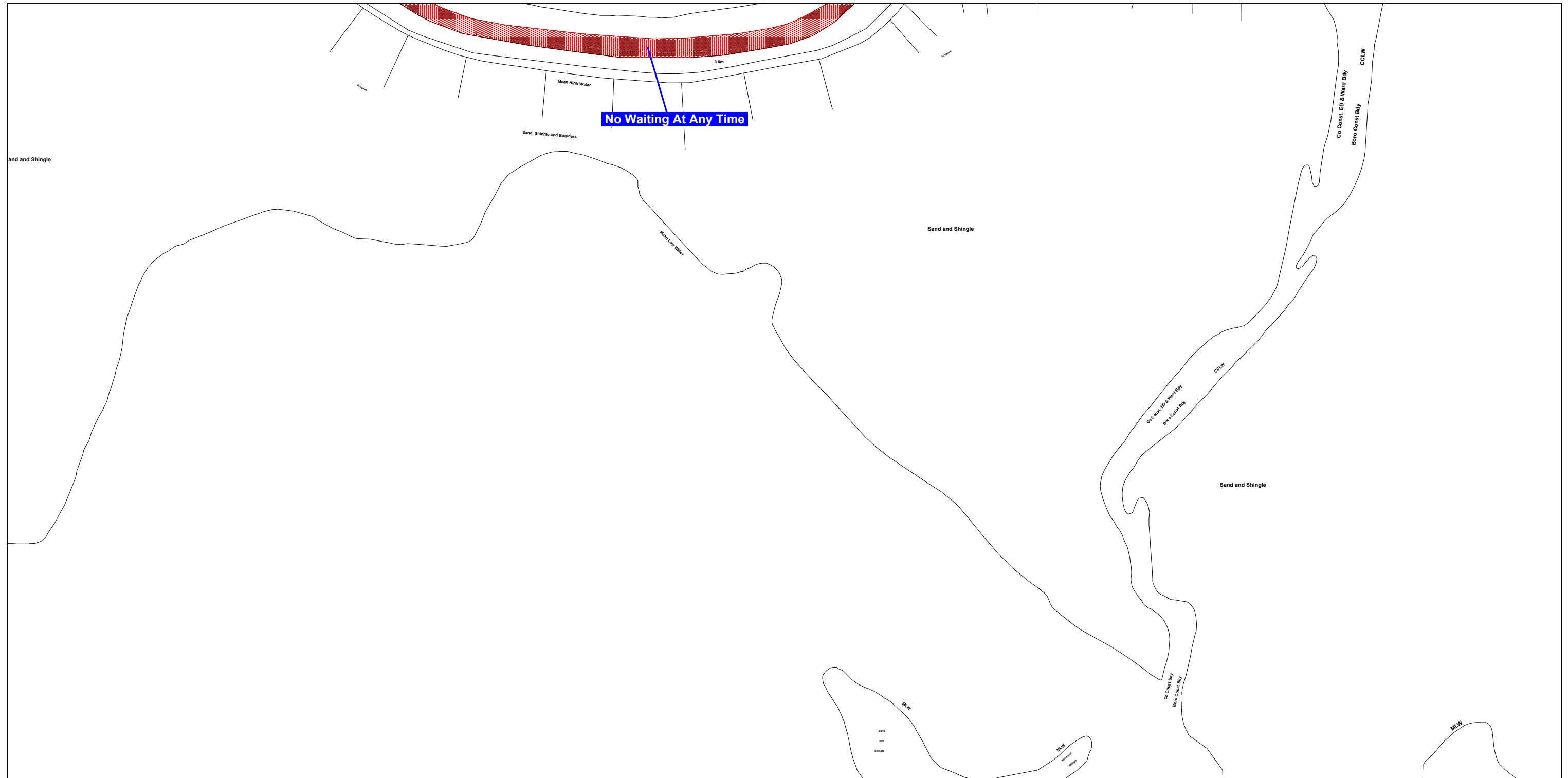
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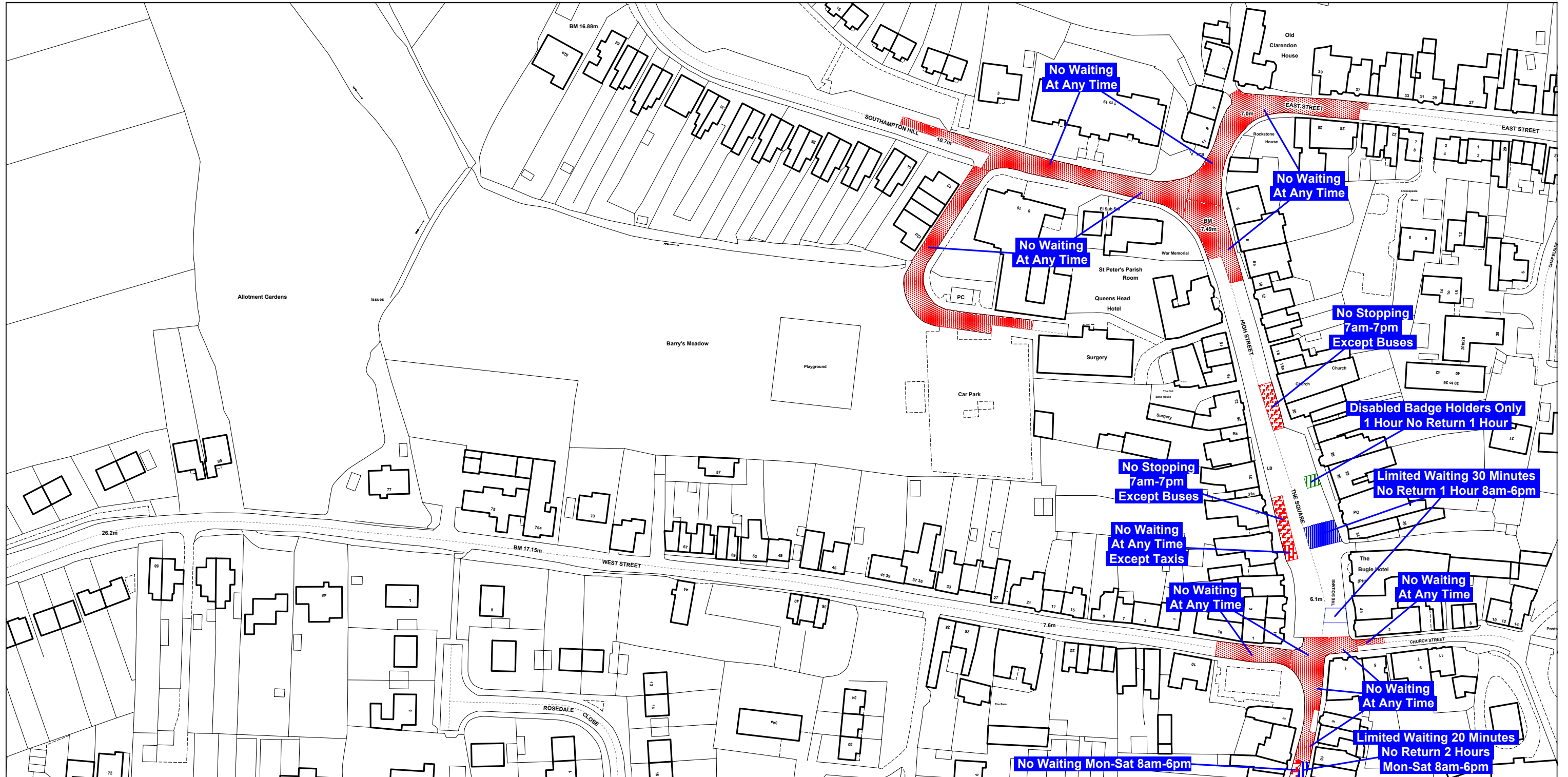
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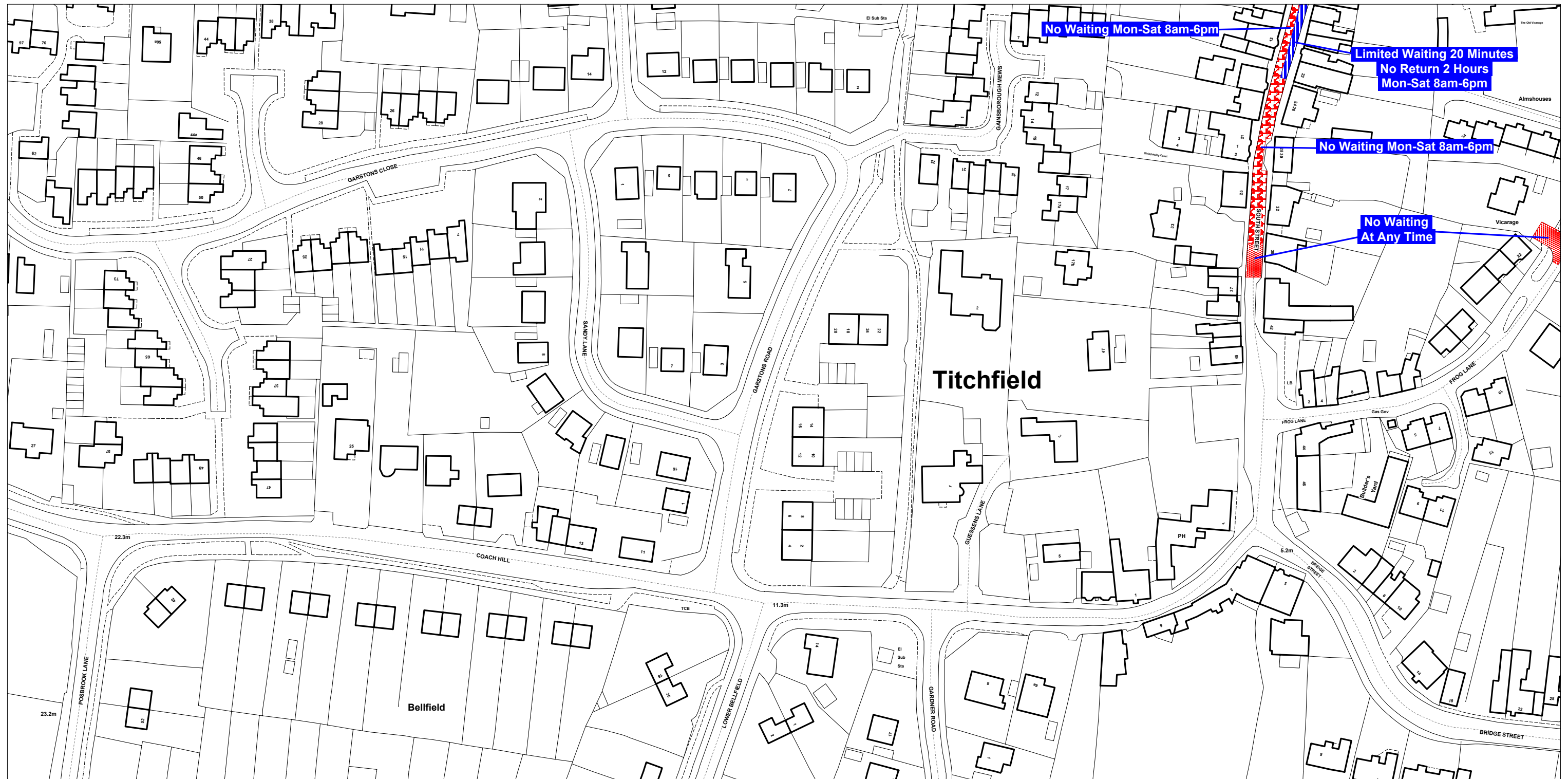
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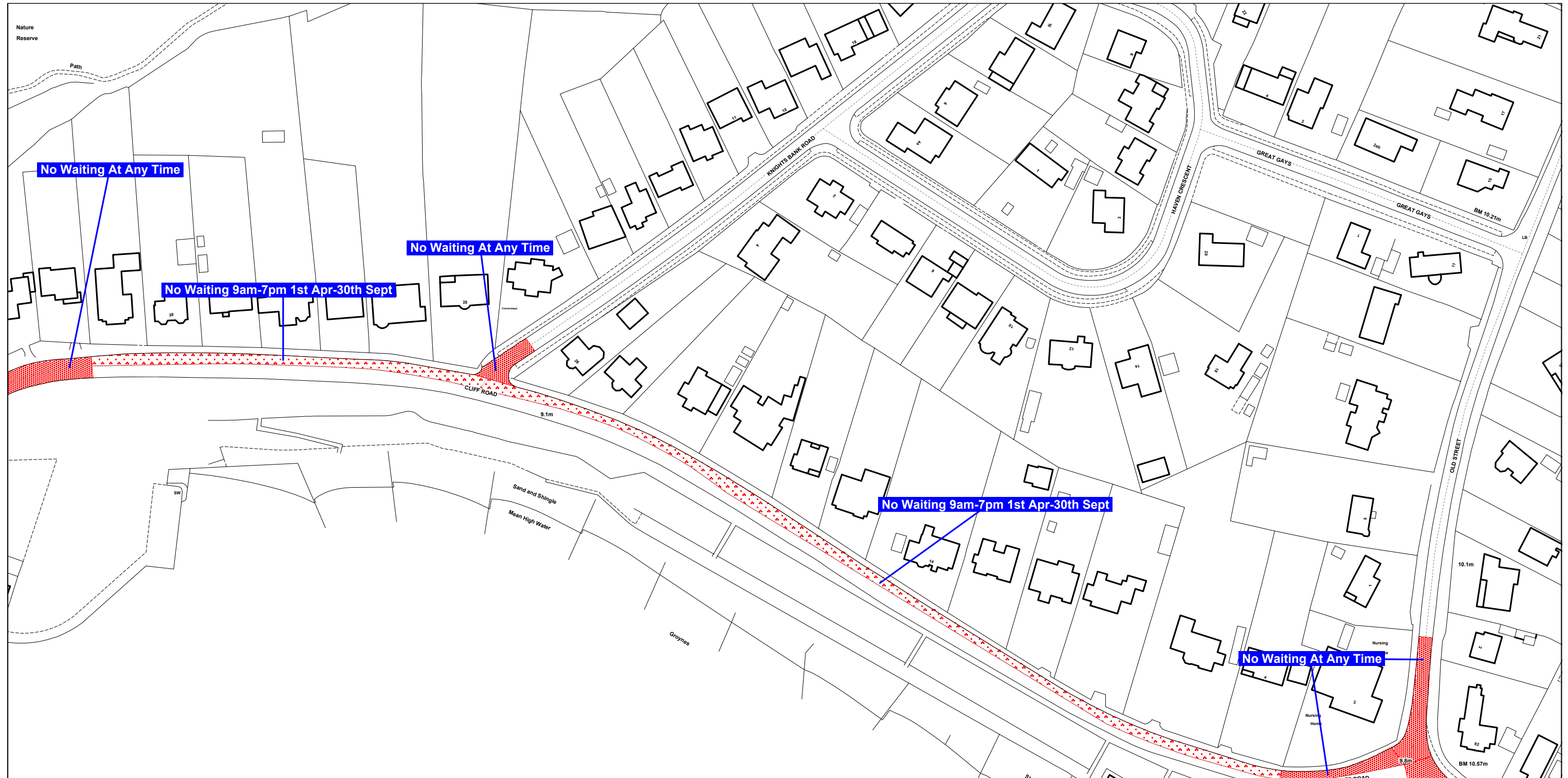
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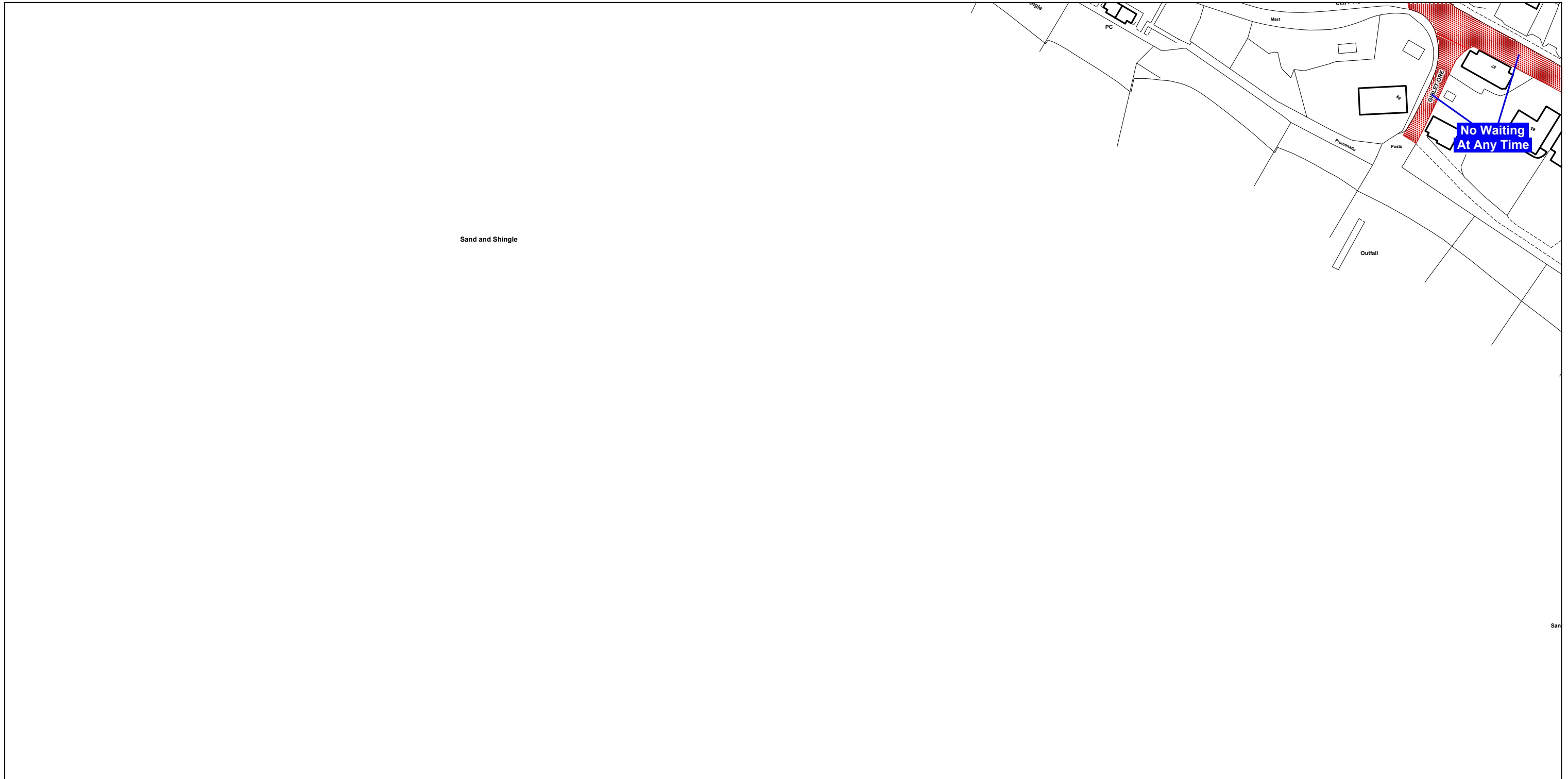
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























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# Fareham Borough Council Restriction Types

Code	Shade	SchNo.	Description	Code	Shade	SchNo.	Description	Code	Shade	SchNo.	Description
NW1		1.01	No Waiting At Any Time	NW13		1.13	No Waiting Mon-Fri 8.15am-9.15am & 2.30pm-3.30pm	NL11		2.15	No Waiting Mon-Sat 8am-6pm / No Loading 8am-9.30am & 4pm-6pm
NW2		1.02	No Waiting At Any Time Except Taxis	NW14		1.14	No Waiting 9am-7pm 1 April-30 Sept	NL12		2.16	No Waiting At Any Time / No Loading 8am-9.30am & 4.30pm-6.30pm
NW3		1.03	No Waiting Mon-Fri 8am-5pm	NW15		1.15	No Waiting Mon-Fri 8am-8pm				
NW4		1.04	No Waiting Mon-Sat 8am-7pm	NW16		1.16	No Waiting At Any Time 1 April-30 Sept				
NW5		1.05	No Waiting Mon-Fri 8am-6pm	NW17		1.17	No Waiting Mon-Fri 10am-11am & 3pm-4pm Excluding Bank Holidays	NS1		2.01	No Stopping 7am-7pm Except Buses
NW6		1.06	No Waiting Mon-Sat 8am-6pm					NS2		2.11	No Stopping Mon-Fri 8am-6pm Except Buses
NW7		1.07	No Waiting 8am-6pm					NS3		2.13	No Stopping Except Buses
NW8		1.08	No Waiting Mon-Sat 7am-8pm	NL3		2.04	No Waiting At Any Time / No Loading 8am-9.30am & 4.30pm-6pm	NS4		2.14	No Stopping Except Taxis
NW9		1.09	No Waiting Mon-Fri 9am-5.30pm	NL4		2.05	No Waiting 8am-10pm / No Loading Mon-Fri 8am-9.30am & 4.30pm-6pm				
NW10		1.10	No Waiting Mon-Fri 8am-7pm	NL5		2.06	No Waiting At Any Time / No Loading 9.30am-4.30pm				
NW11		1.11	No Waiting 8am-7pm	NL6		2.07	No Waiting At Any Time / No Loading At Any Time				
NW12		1.12	No Waiting Mon-Fri 8am-4.30pm	NL10		2.12	No Waiting Mon-Sat 8am-8pm / No Loading 8am-8pm				

All areas over which the provisions of the orders apply are defined by the shaded areas as shown on the following plans plus a contiguous area not indicated on the plans of verge and/or footway between the carriageway edge and the highway boundary.

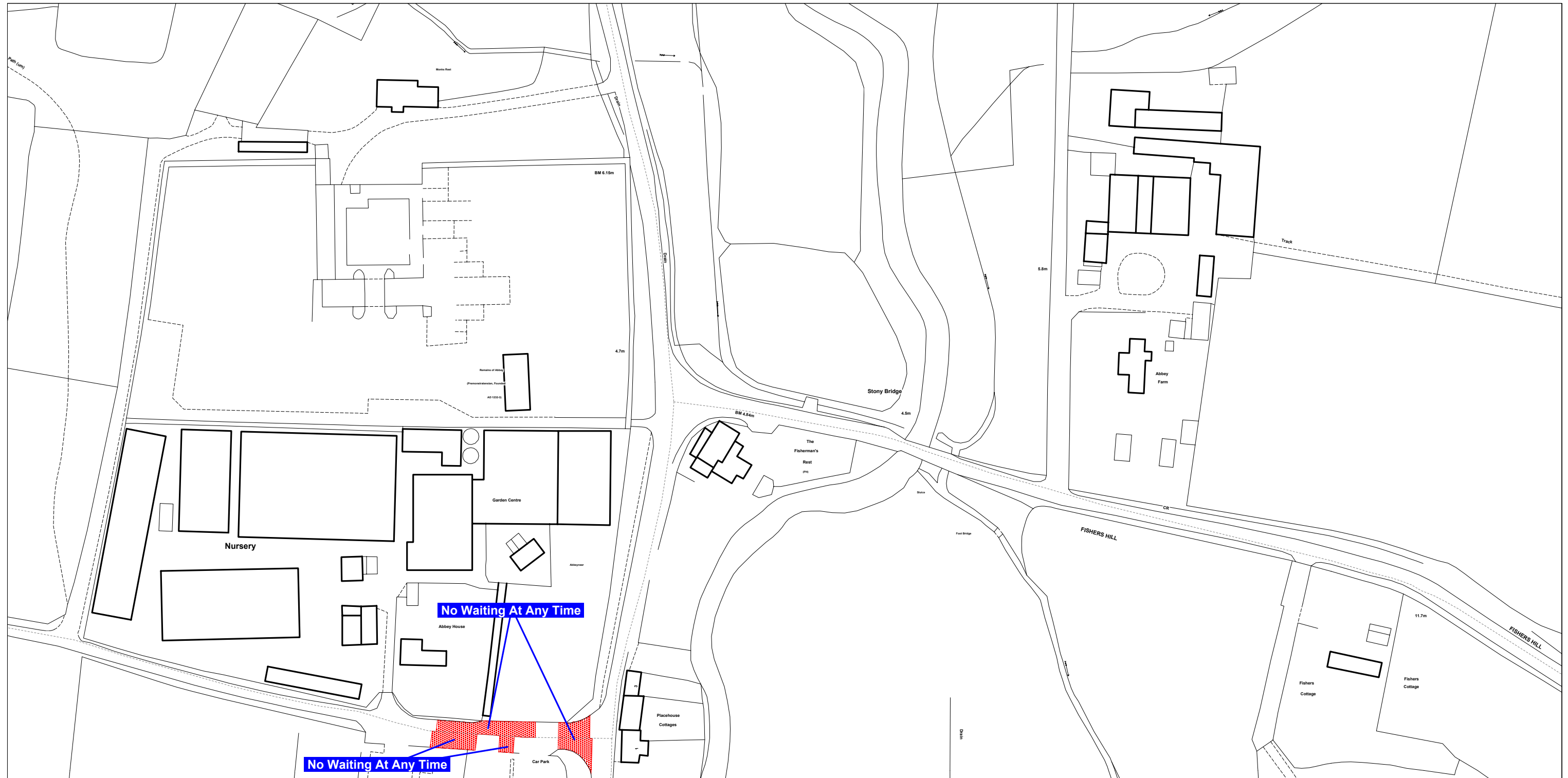
SHEET REVISION NUMBER: 1  
SHEET ACTIVE FROM:

# Fareham Borough Council Restriction Types

Code	Shade	SchNo.	Description	Code	Shade	SchNo.	Description	Code	Shade	SchNo.	Description
LW2		3.02	Limited Waiting 2 Hours No Return 2 Hours Mon-Sat 8am-6pm	LW14		3.14	Limited Waiting 2 Hours No Return 1 Hour Mon-Sat 9.30am-4.30pm	PH1		5.01	Resident Permit Holders Only Mon-Sat 8am-6pm
LW3		3.03	Limited Waiting 40 Mins No Return 2 Hours Mon-Sat 8am-7pm	LW17		3.17	Limited Waiting 30 Mins No Return 2 Hours Mon-Sat 8am-7pm	PH2		5.02	Disabled Badge Holders Only
LW5		3.05	Limited Waiting 30 Mins No Return 2 Hours Mon-Sat 8am-6pm	LW18		3.18	Limited Waiting 2 Hours No Return 2 Hours Mon-Sat 8am-7pm	PH3		5.03	Disabled Badge Holders Only 3 Hours No Return 1 Hour
LW6		3.06	Limited Waiting 40 Mins No Return 2 Hours Mon-Sat 8am-6pm	LW20		3.20	Limited Waiting 1 Hour No Return 2 Hours Mon-Sat 8am-6pm	PH4		5.04	Disabled Badge Holders Only 1 Hour No Return 1 Hour
LW7		3.07	Limited Waiting 2 Hours No Return 4 Hours Buses, Coaches & Vehicles >7.5T only	LW25		3.25	Limited Waiting 1 Hour No Return 2 Hours 8am-6pm				
LW8		3.08	Limited Waiting 2 Hours Mon-Sat 9.30am-4.30pm	LW29		3.30	Limited Waiting 20 Minutes No Return 2 Hours Mon-Sat 8am-6pm				
LW9		3.09	Limited Waiting 20 Mins No Return 1 Hour 8am-6pm	LW30		3.31	Limited Waiting 4 Hours No Return 4 Hours Mon-Sat 8am-7pm	M1		6.01	Loading Only 20 Minutes
LW10		3.10	Limited Waiting 20 Mins Disabled Coaches Only	LW31		3.32	Limited Waiting 30 Minutes No Return 1 Hour 8am-6pm				
LW11		3.11	Limited Waiting 2 Hours No Return 2 Hours Mon-Sat 9.30am-4.30pm	LW32		3.33	Limited Waiting 2 Hours No Return 2 Hours Mon-Sat 8am-6pm Motor Cars & Motor Cycles				
LW13		3.13	Limited Waiting 4 Hours No Return 1 Hour					CLY1		7.01	24 Hour Clearway

All areas over which the provisions of the orders apply are defined by the shaded areas as shown on the following plans plus a contiguous area not indicated on the plans of verge and/or footway between the carriageway edge and the highway boundary.

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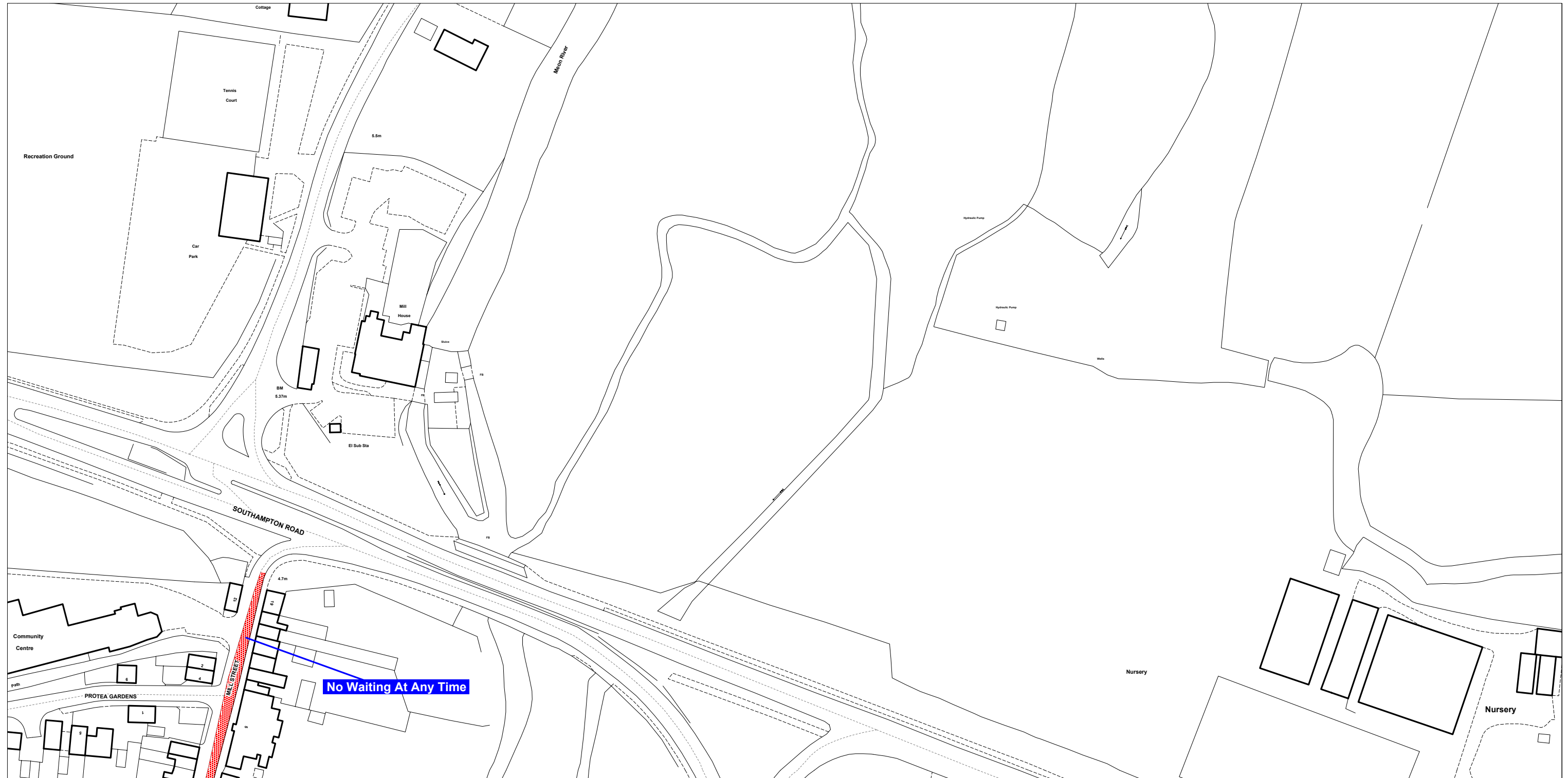


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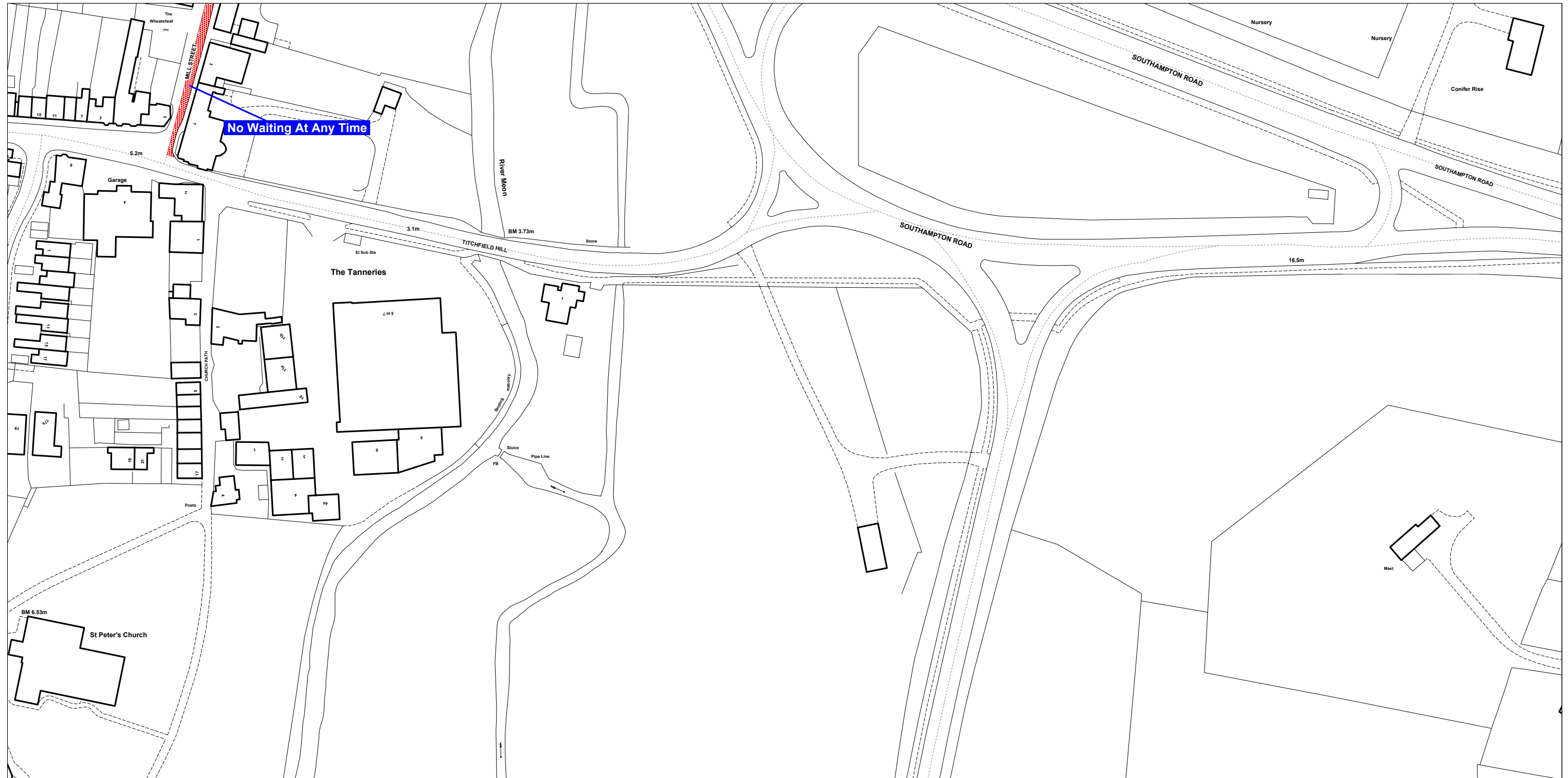
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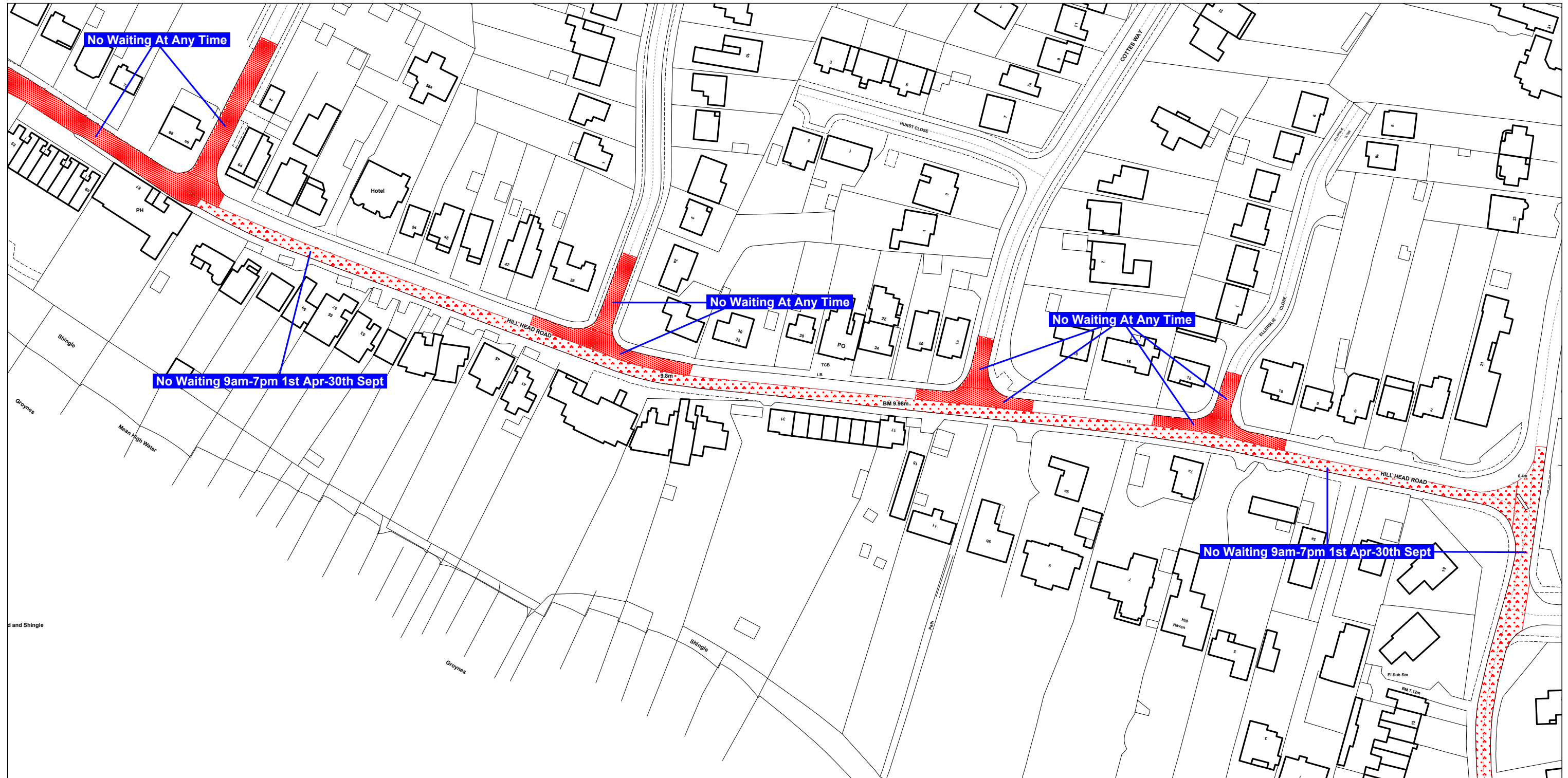
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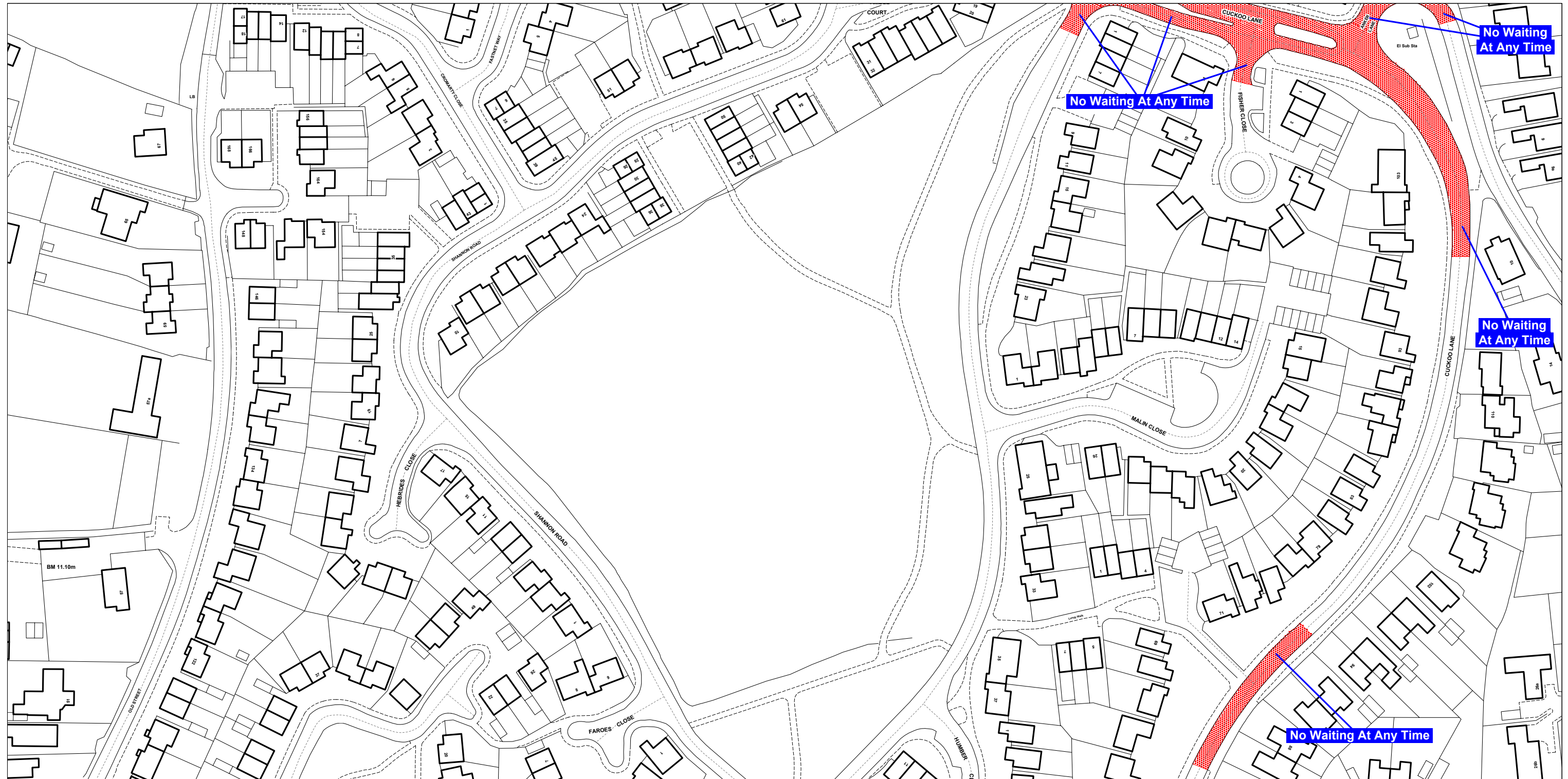
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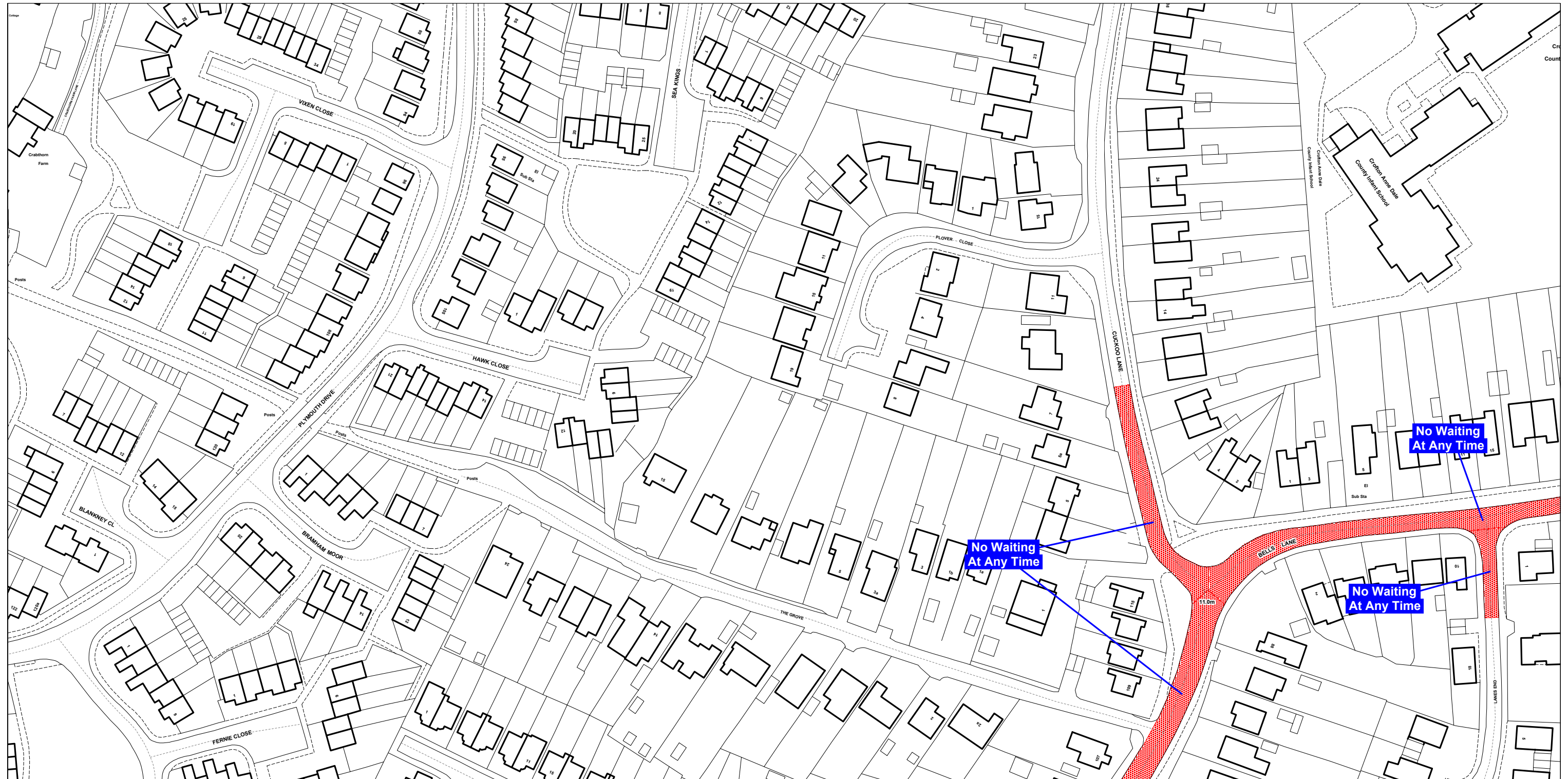
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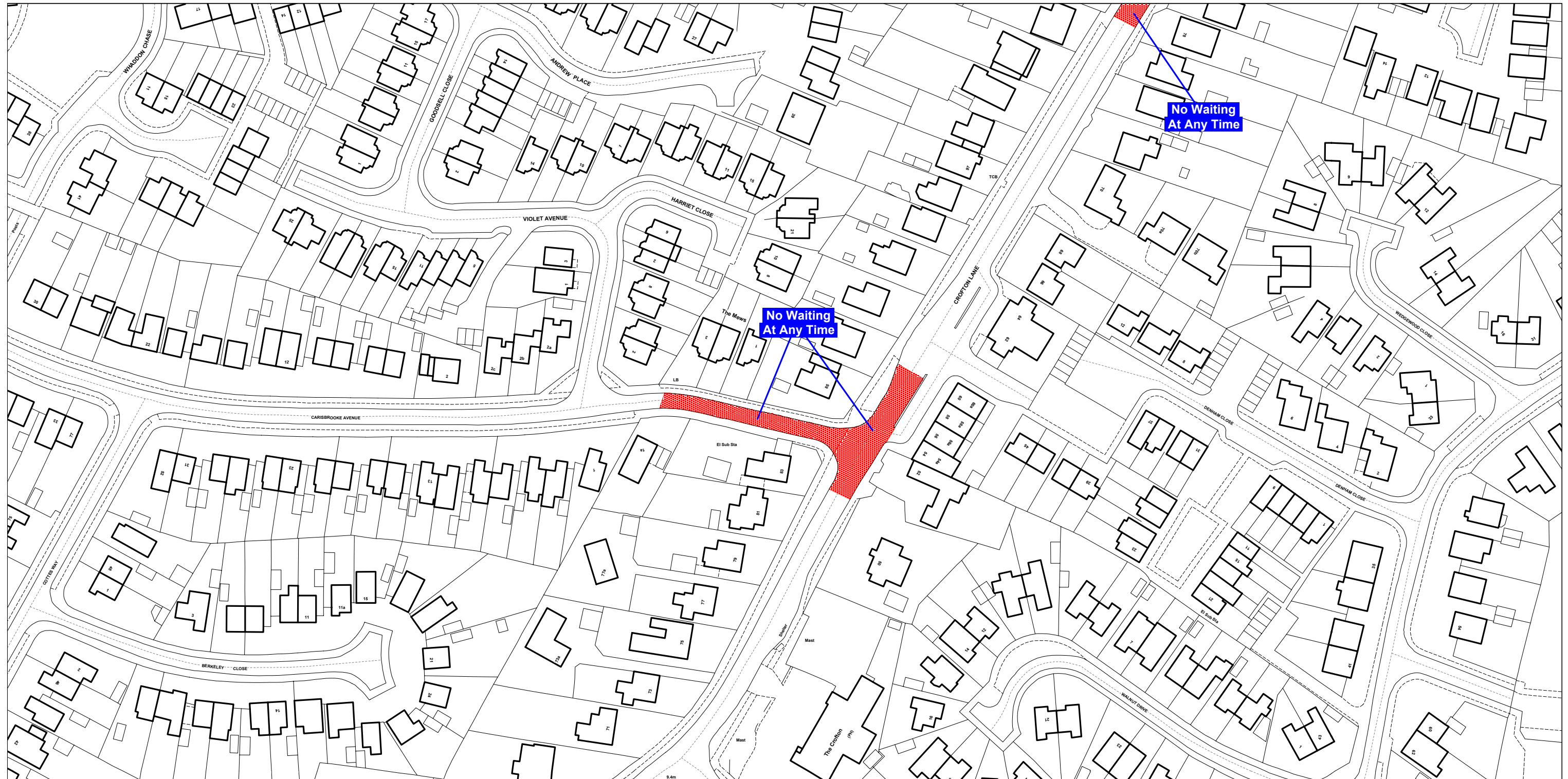
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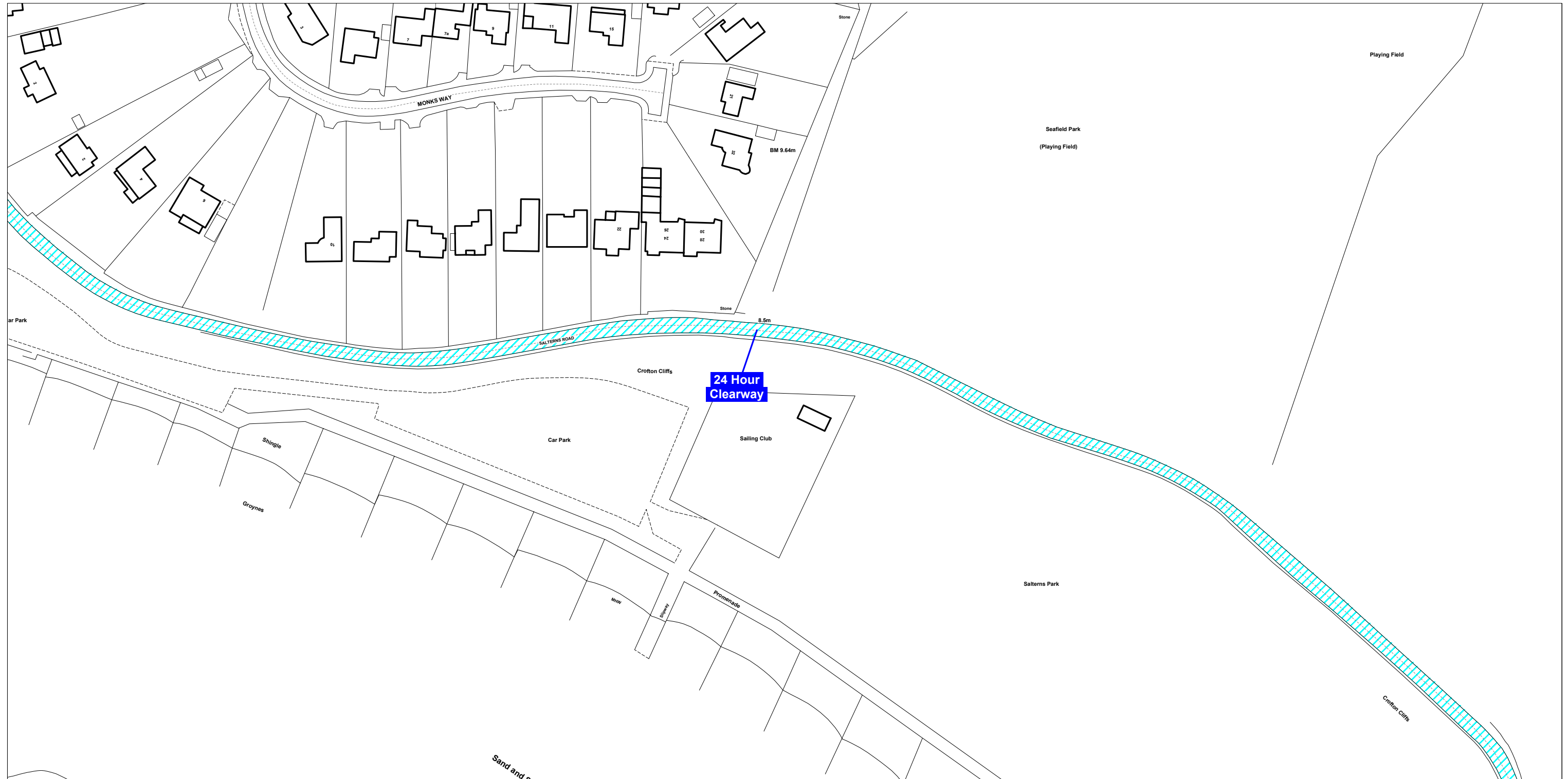
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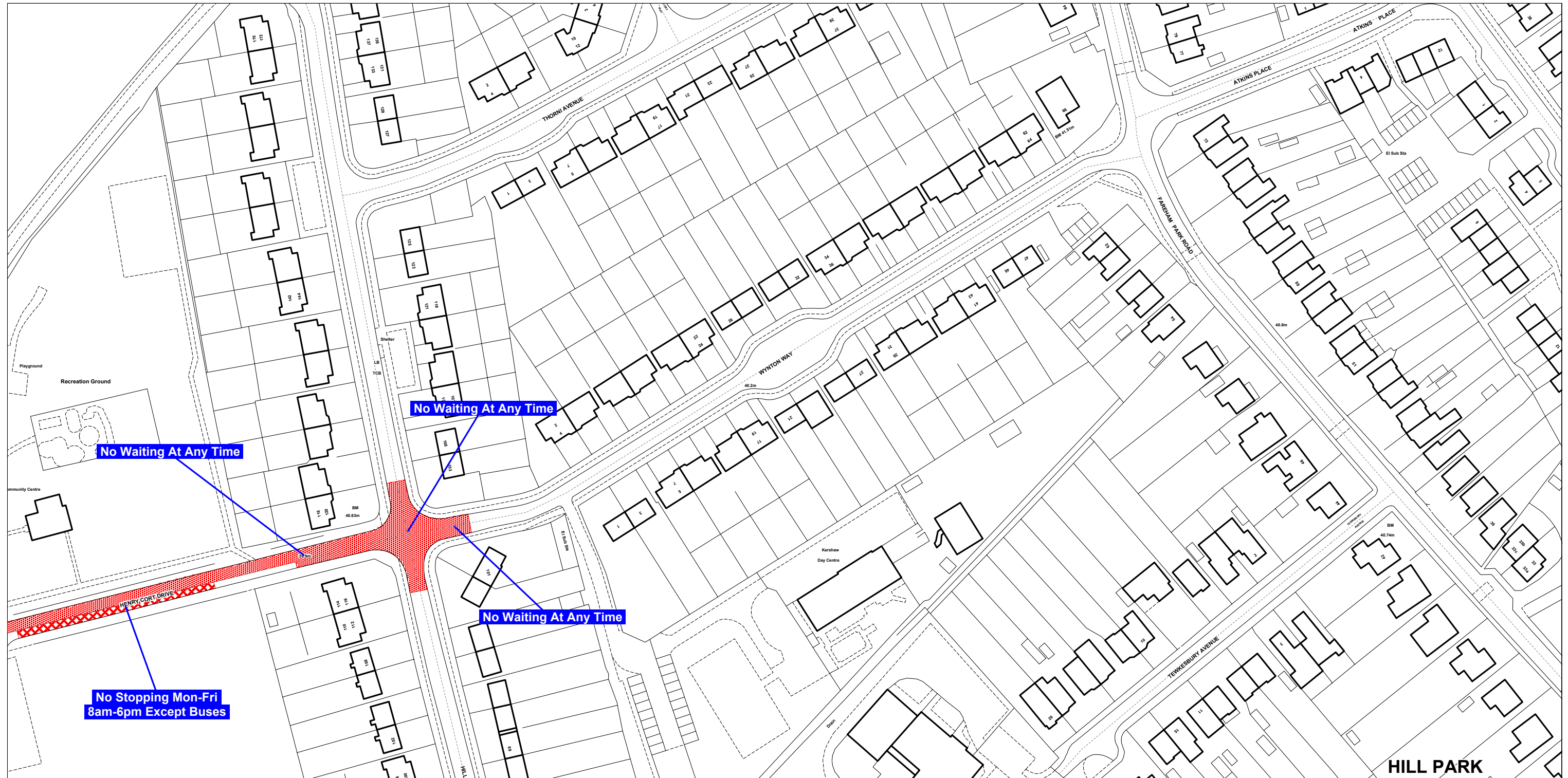
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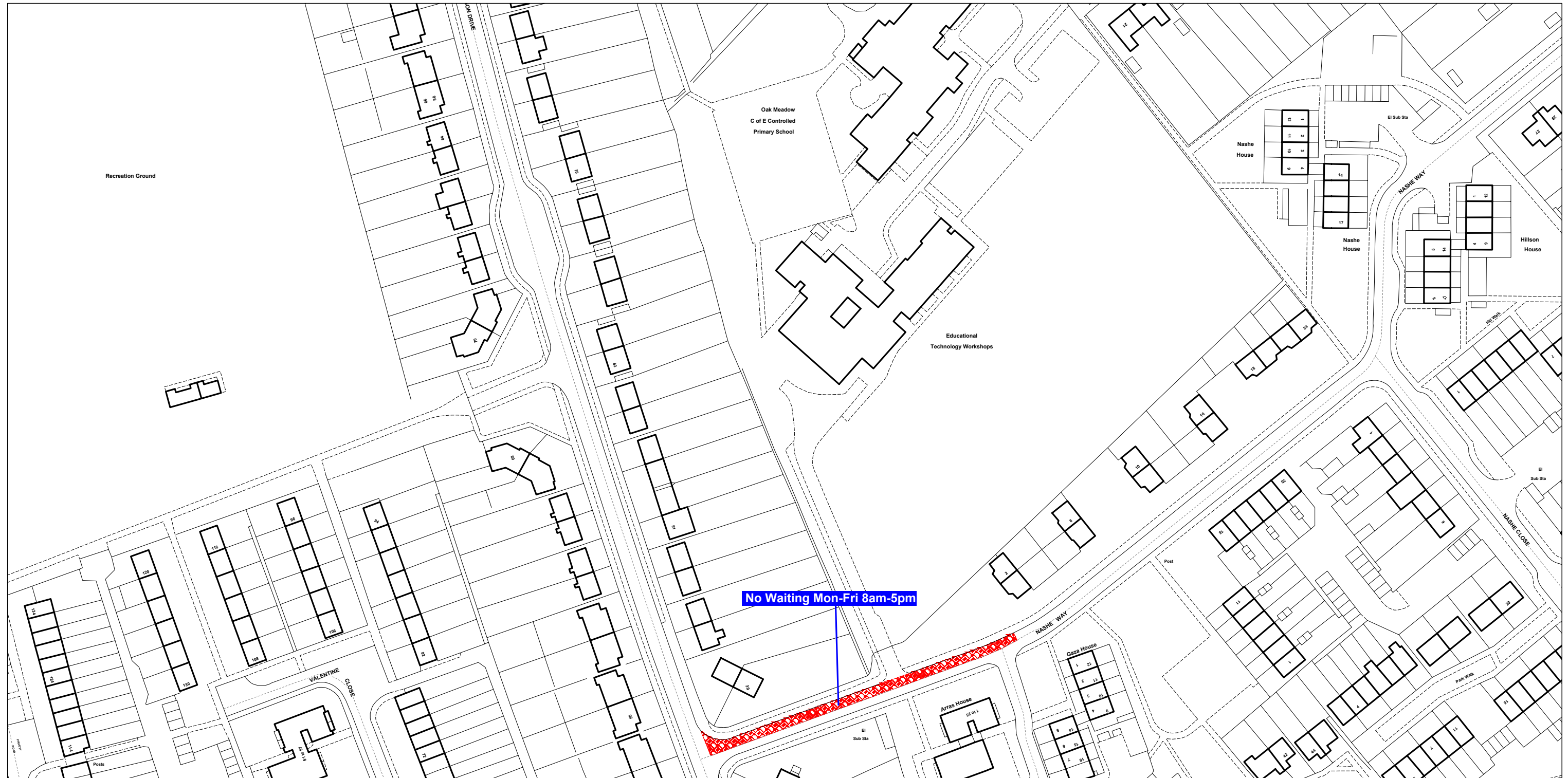
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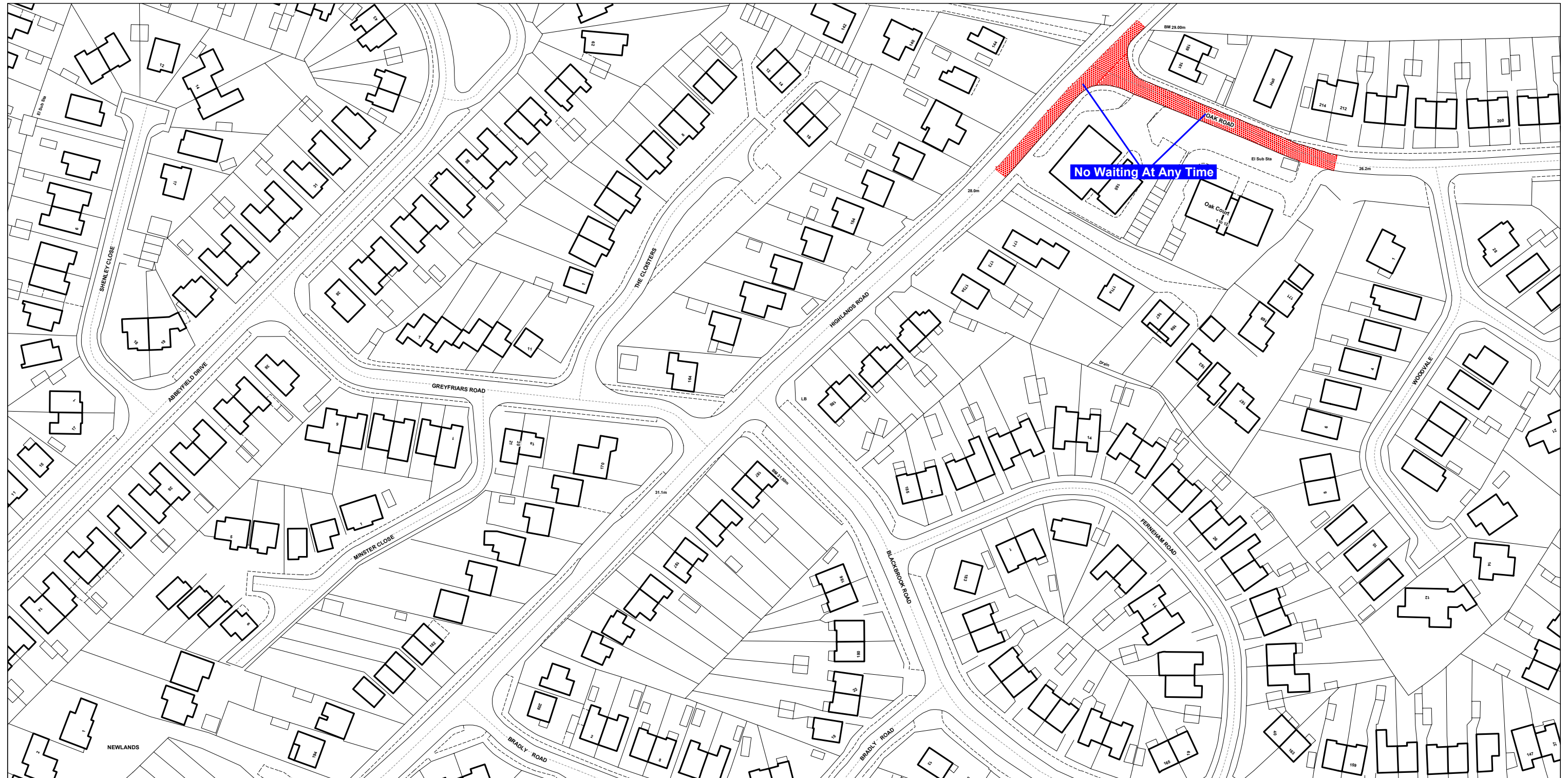


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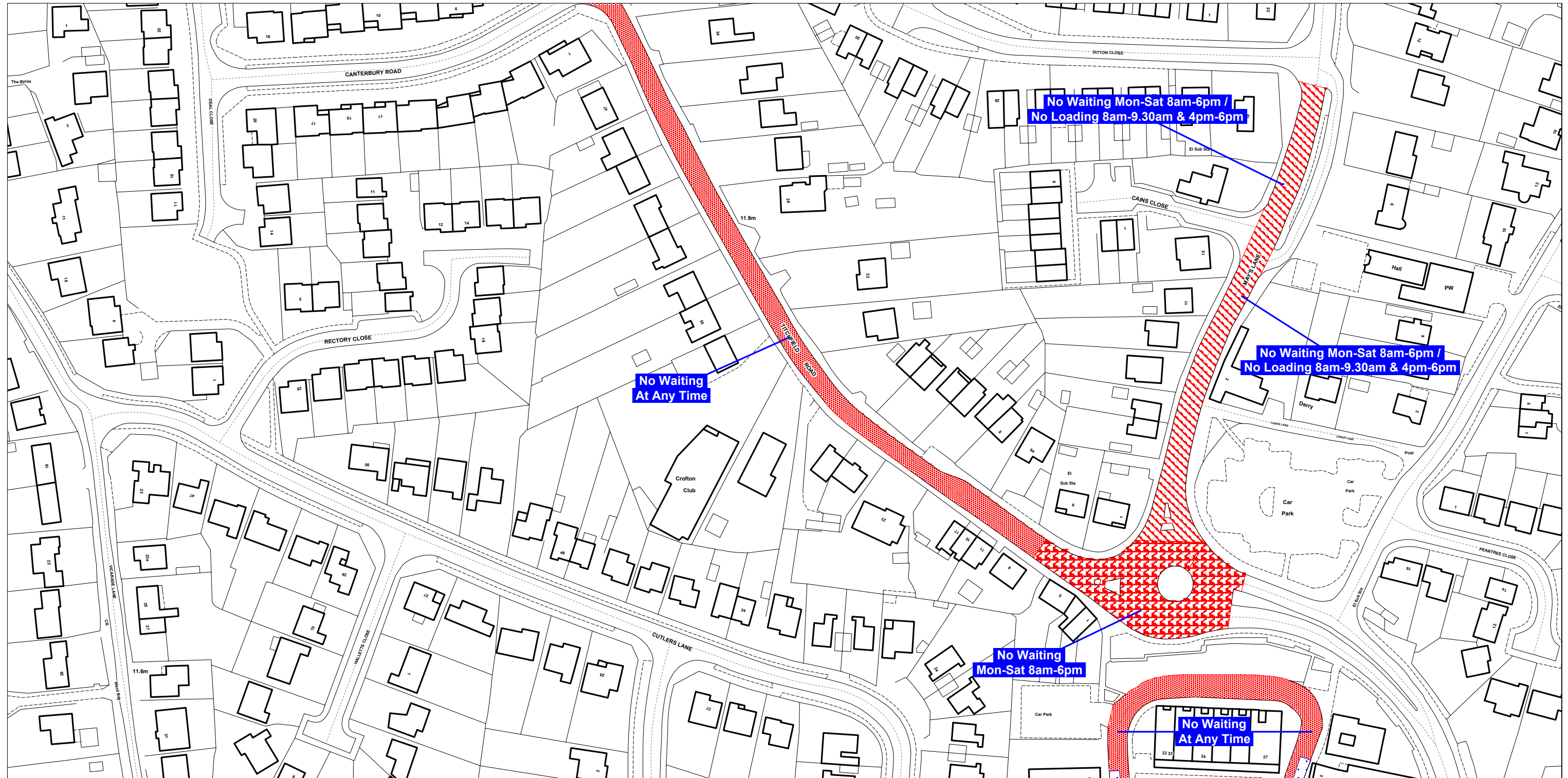
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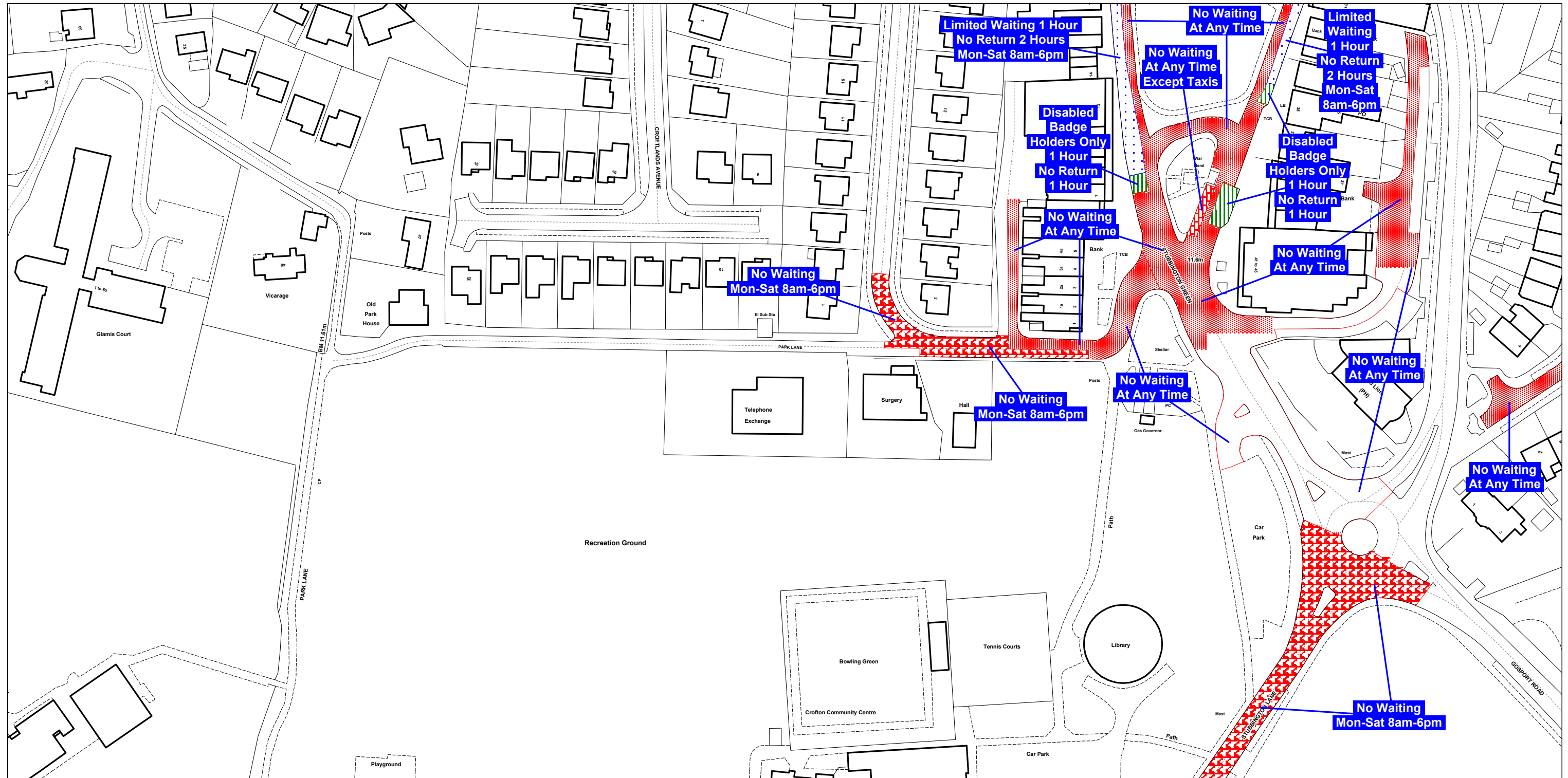
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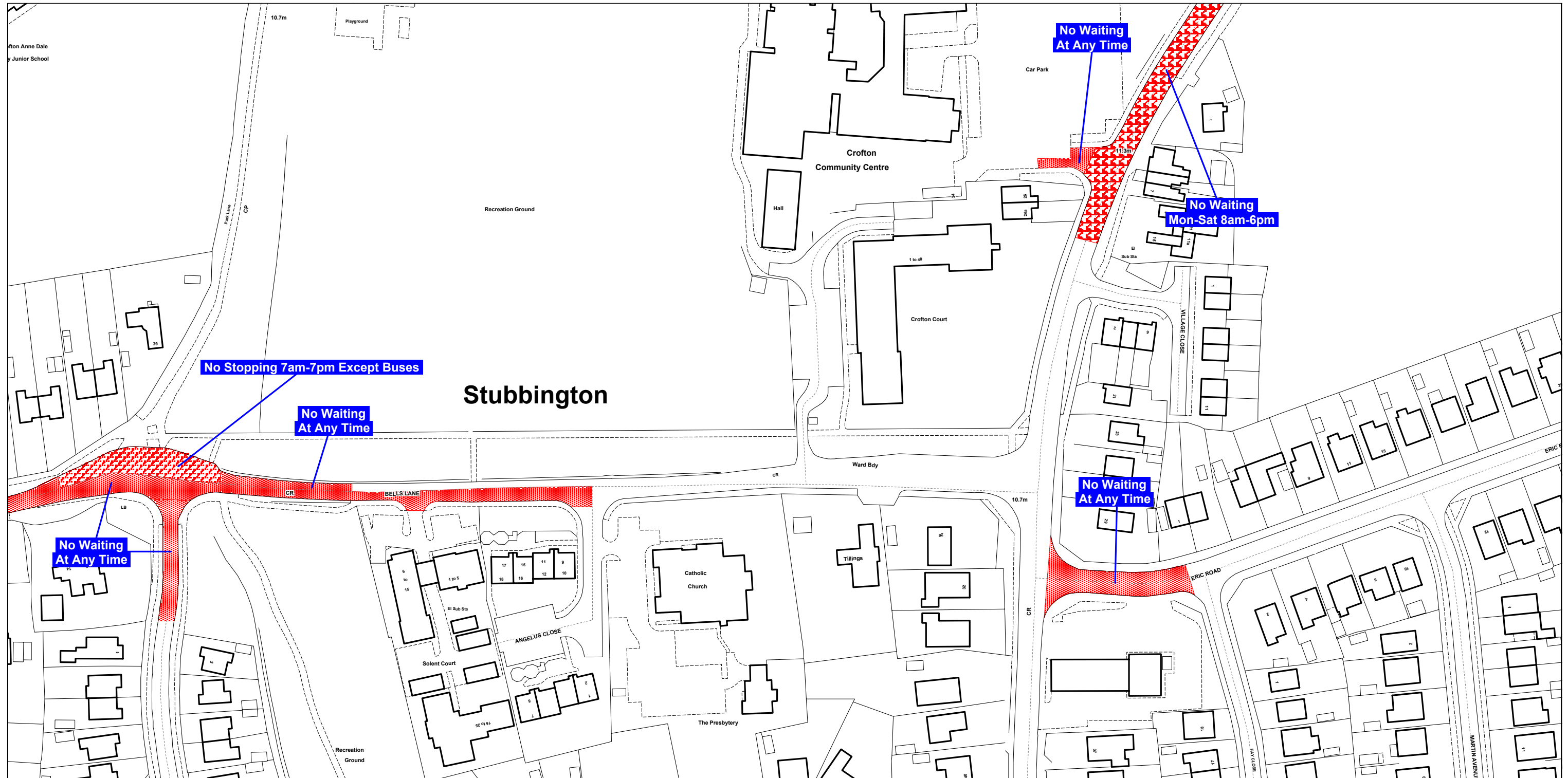
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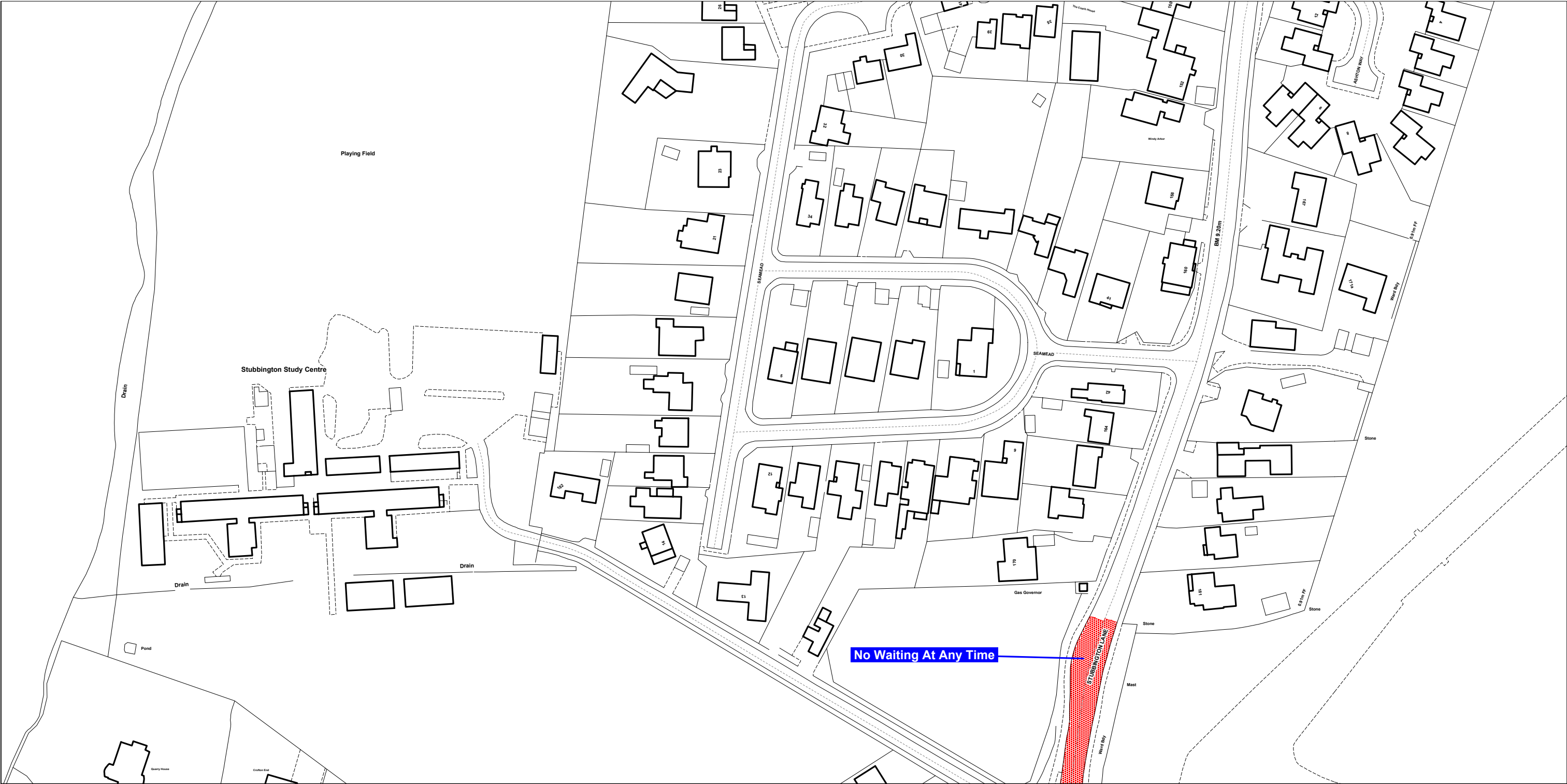
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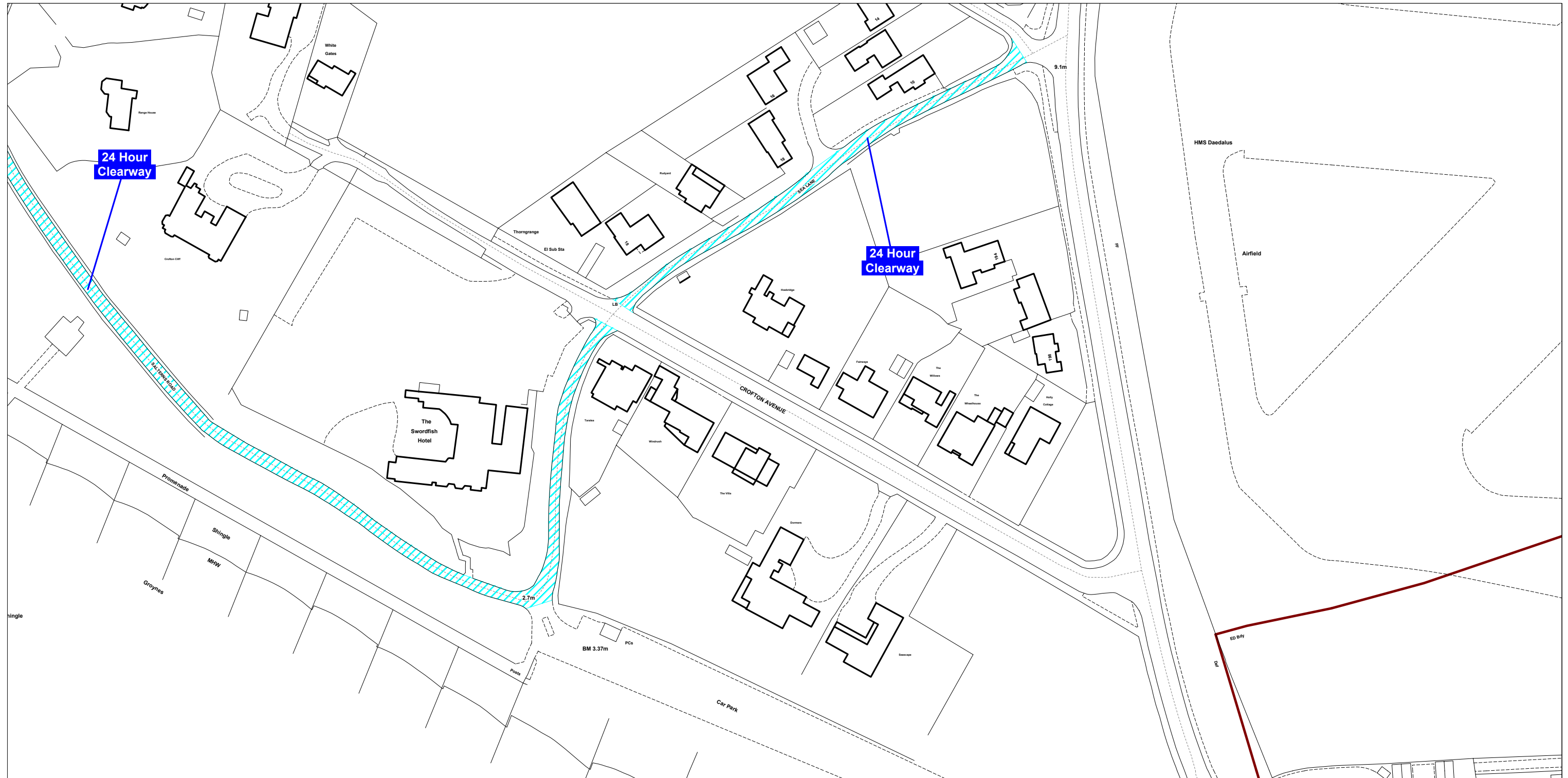
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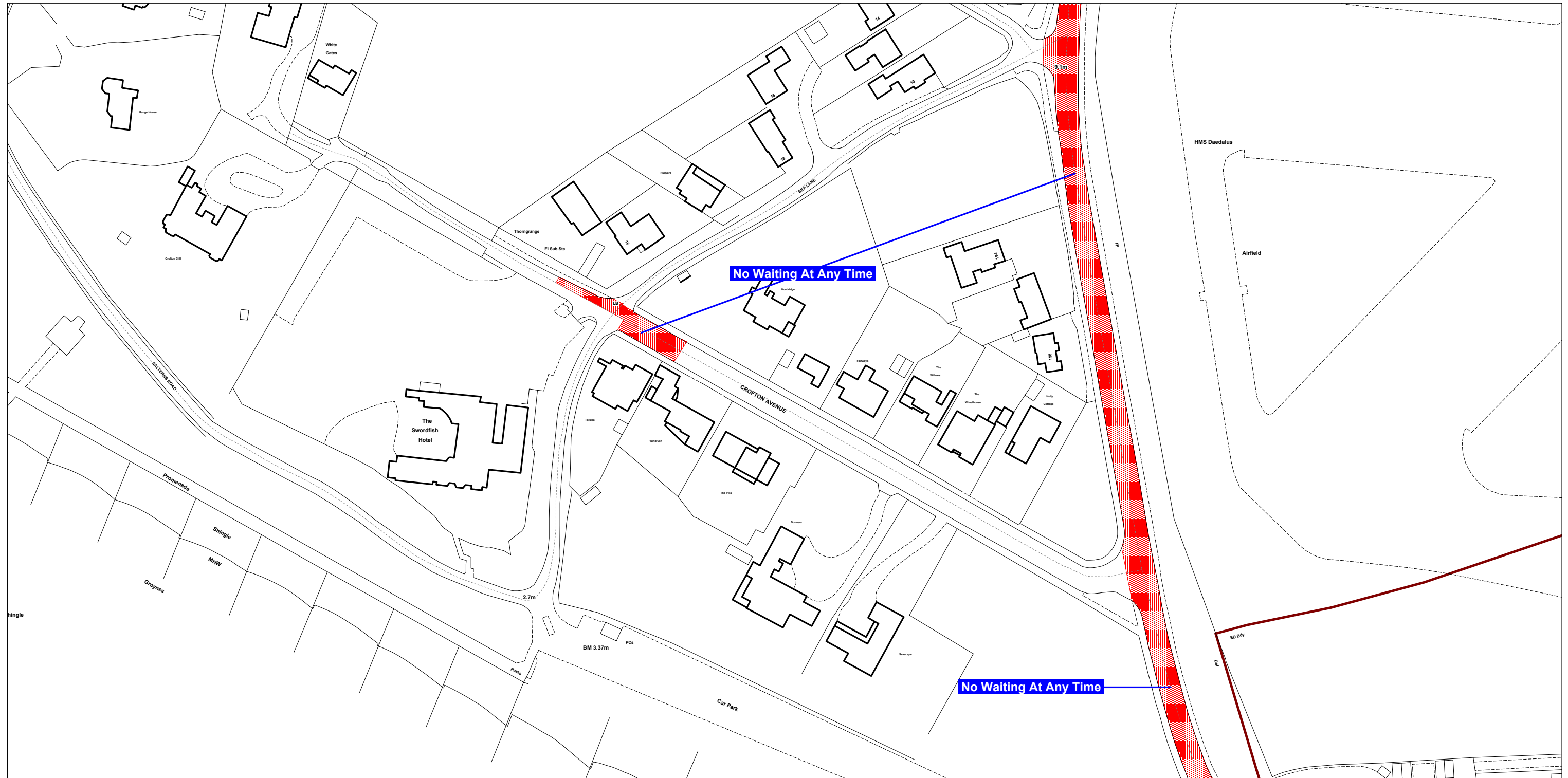


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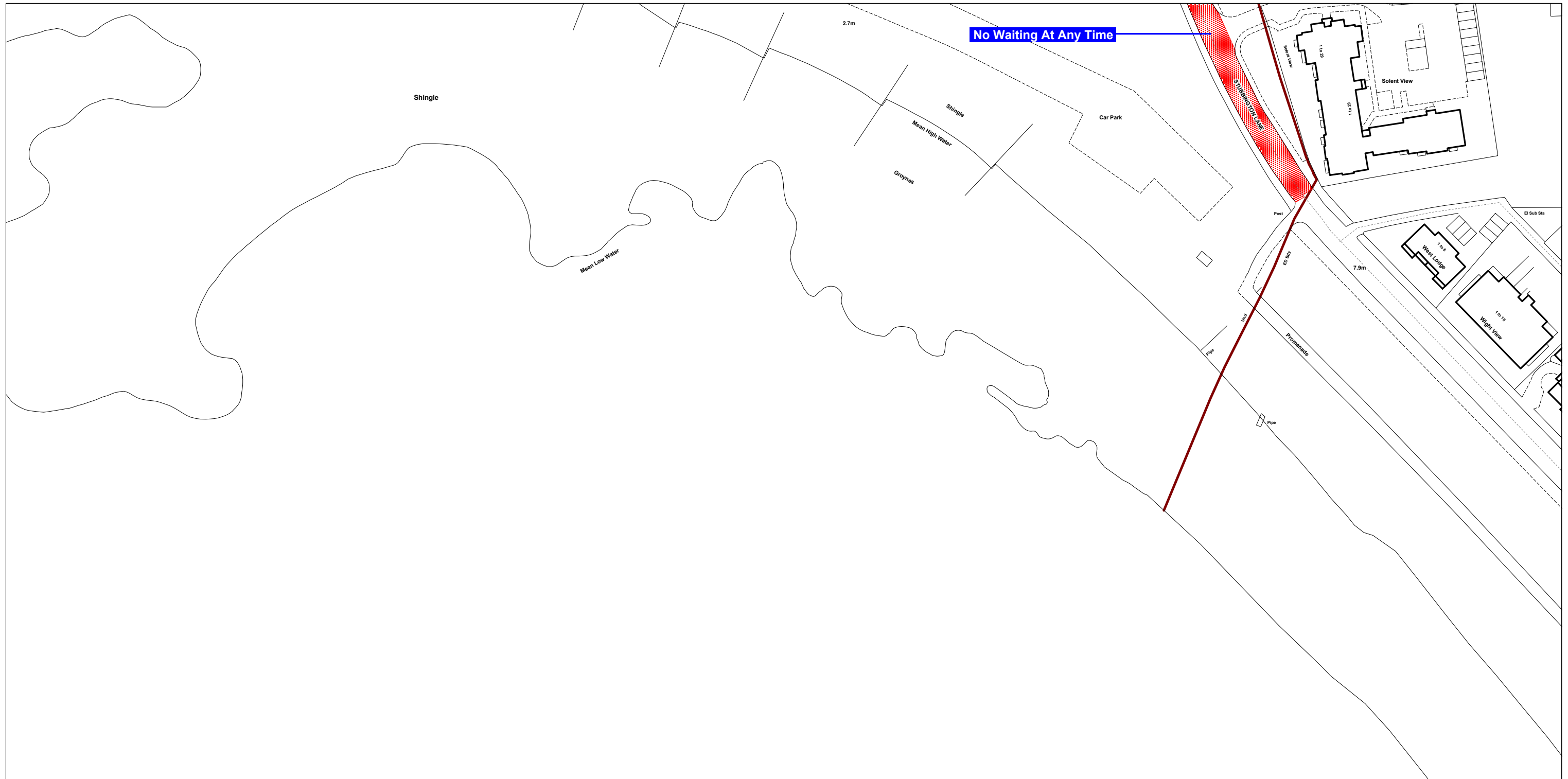
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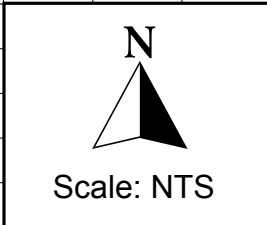
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**Western Wards**

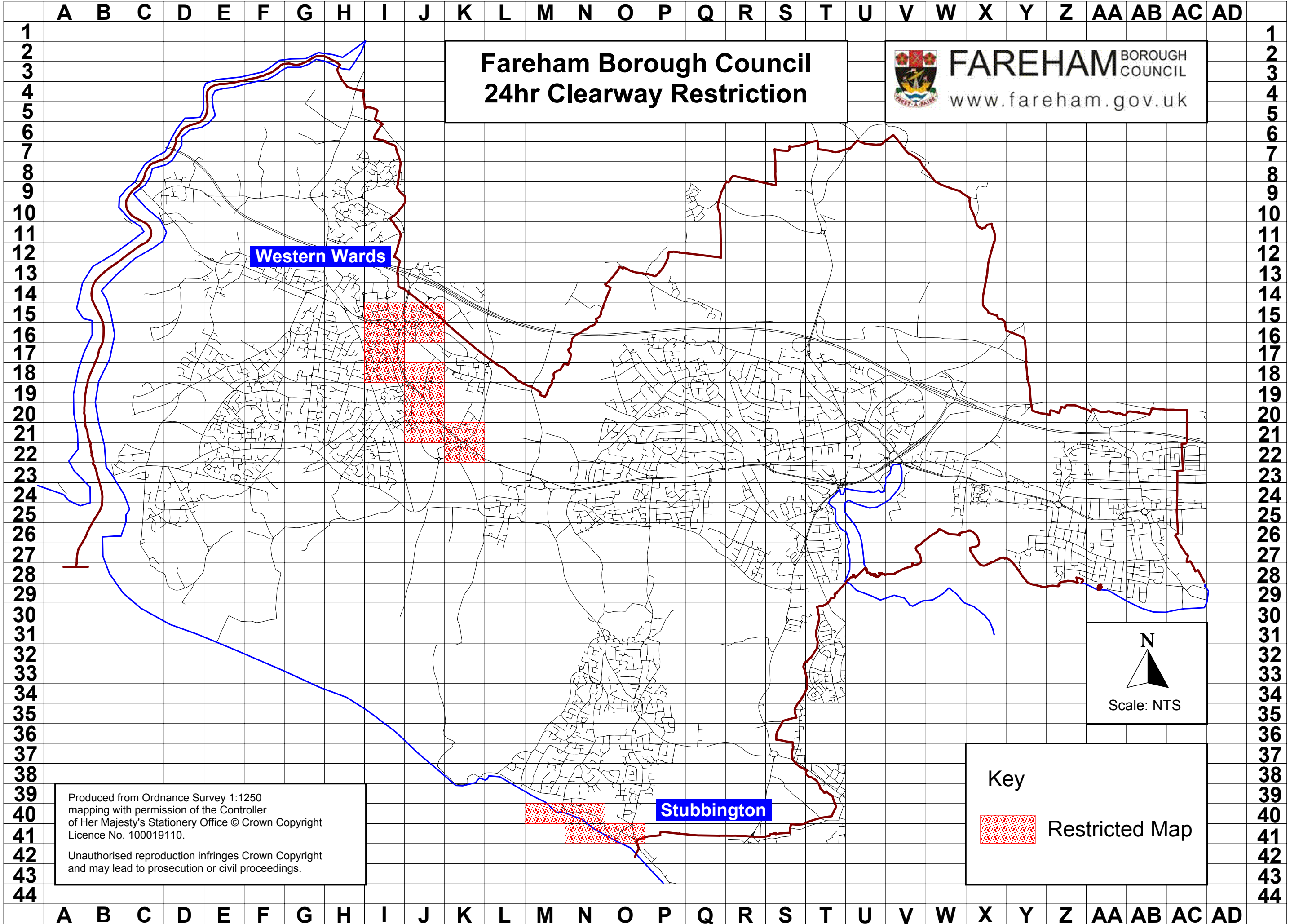
**Stubbington**



**Key**

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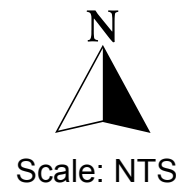
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**Fareham**

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**Stubbington**



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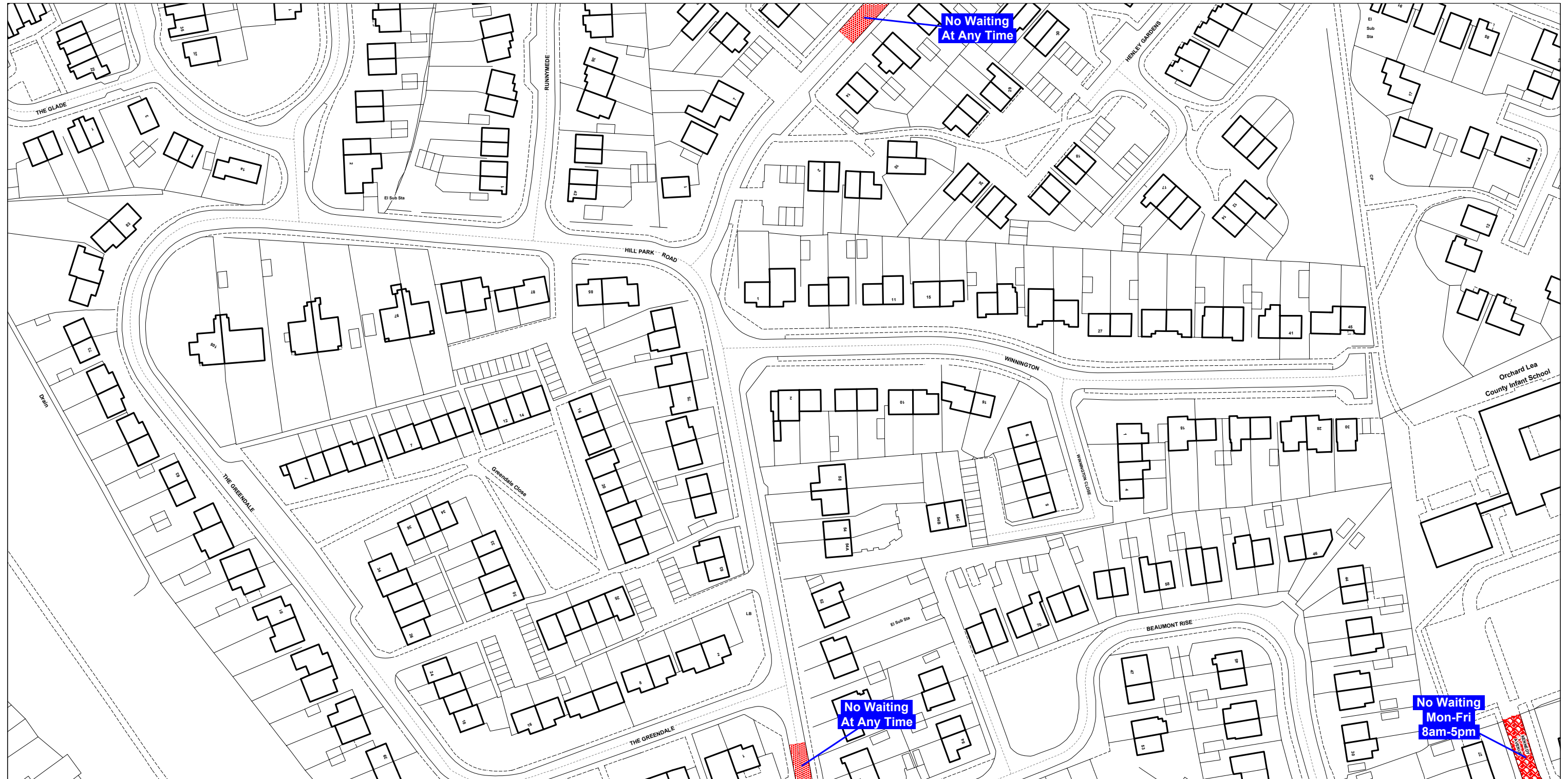
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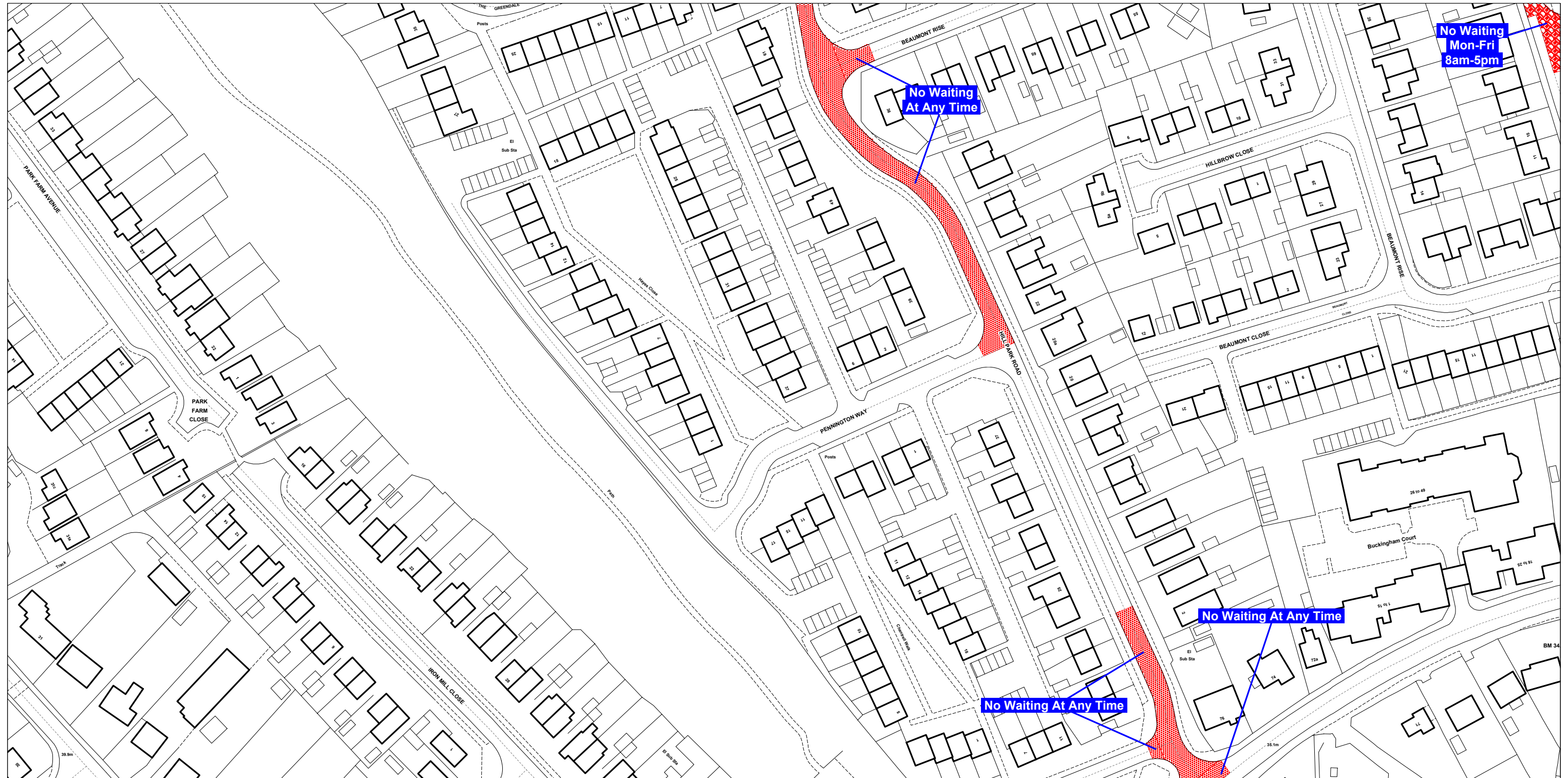
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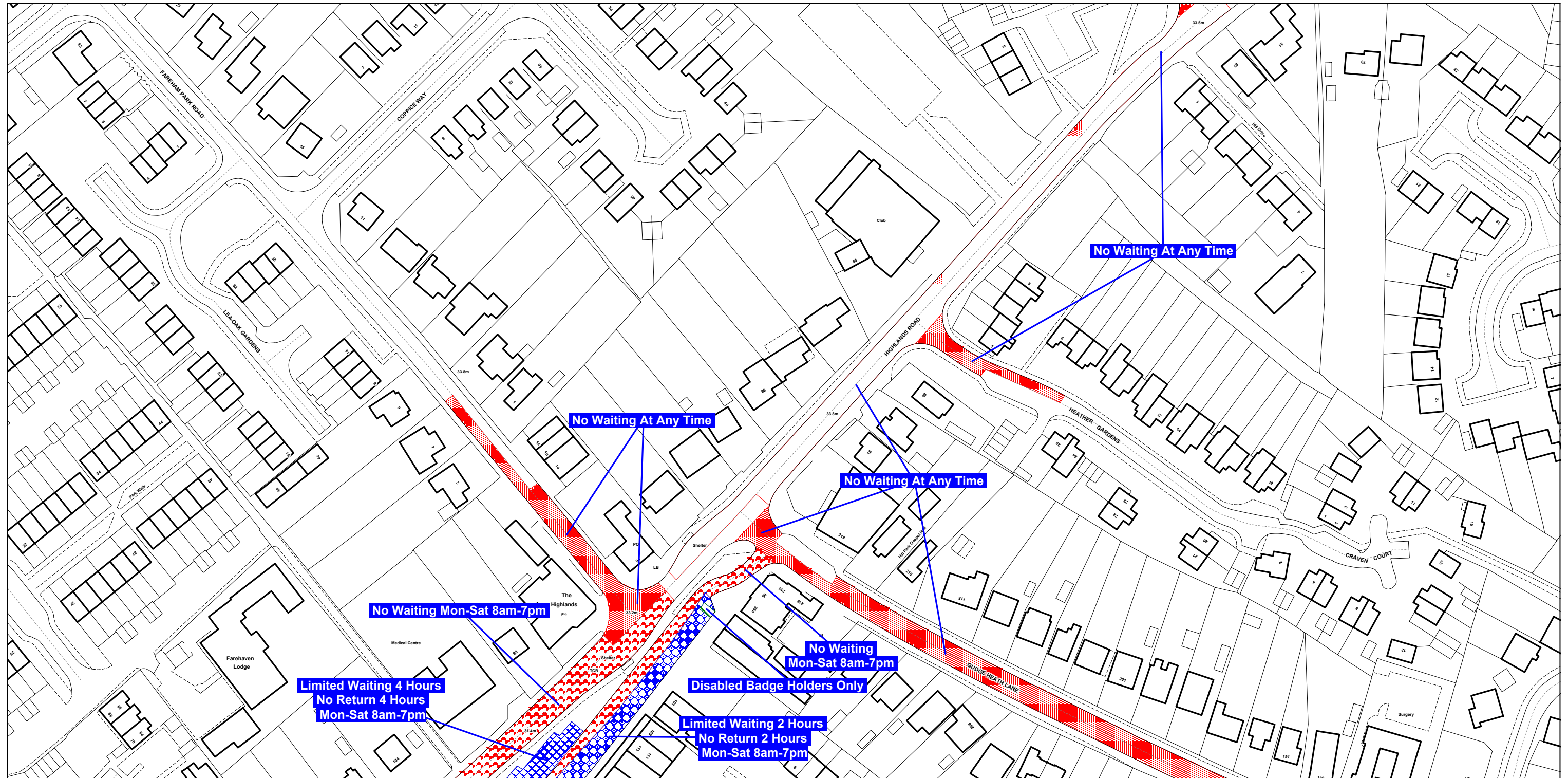
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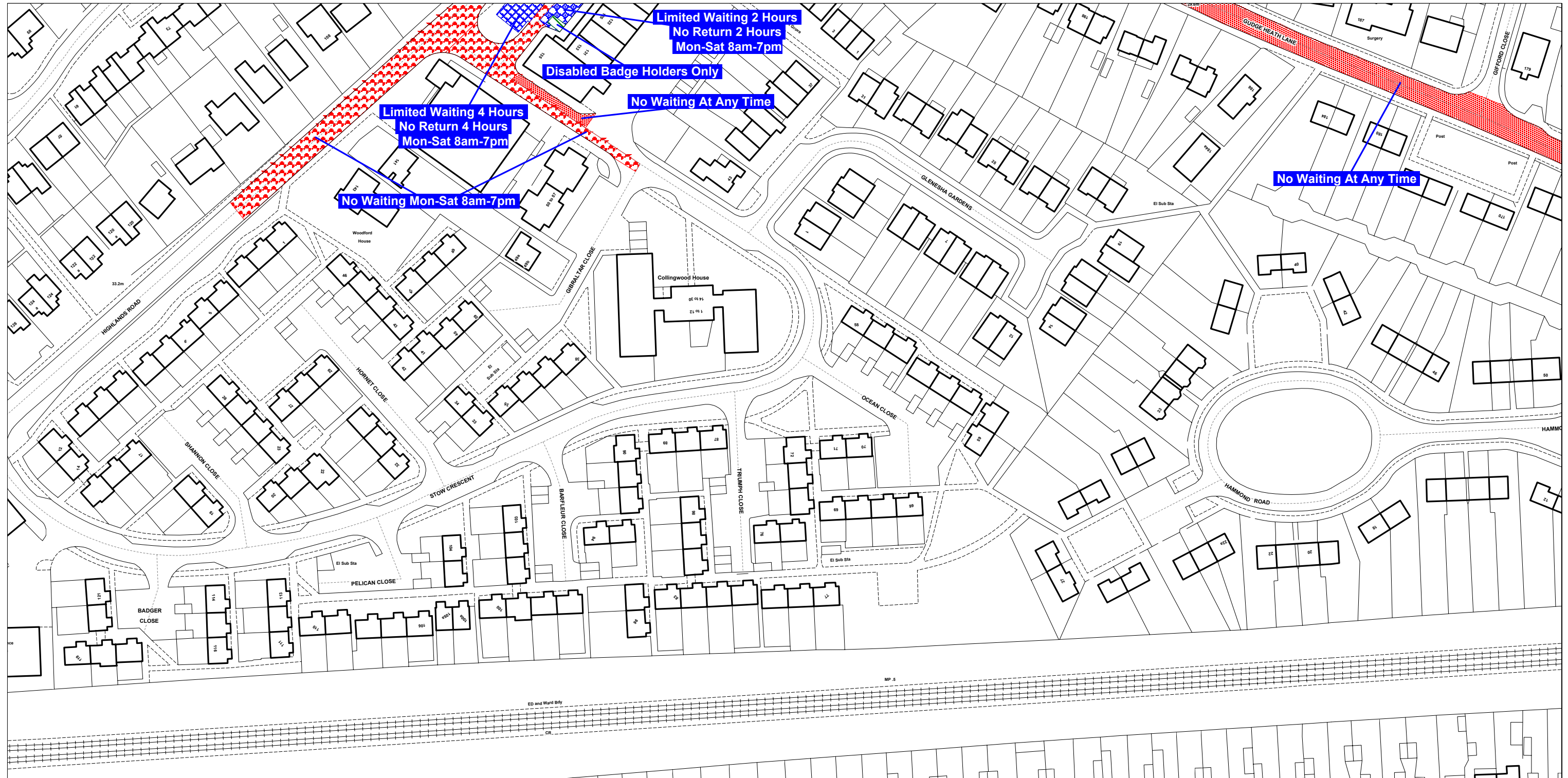


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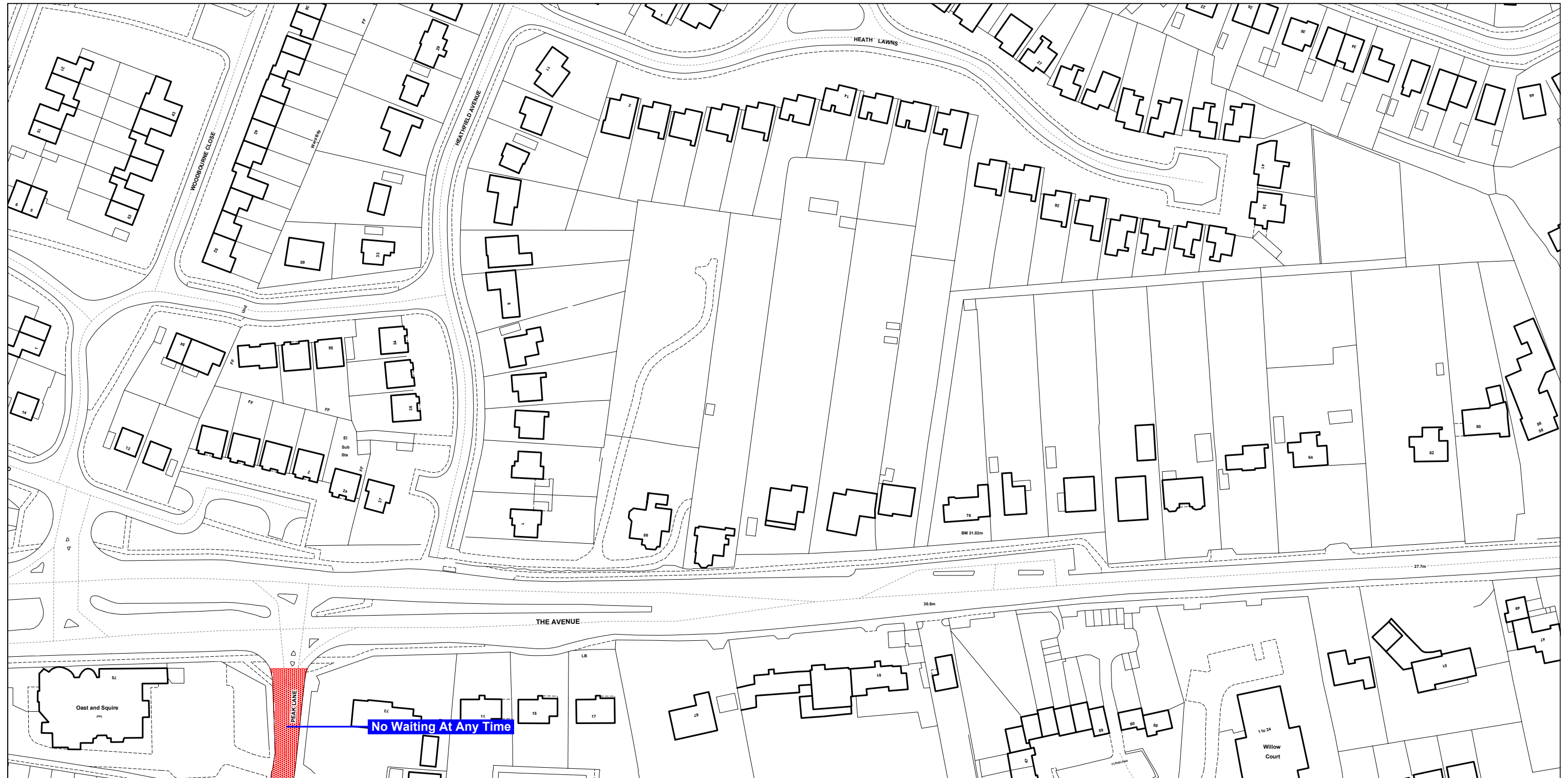
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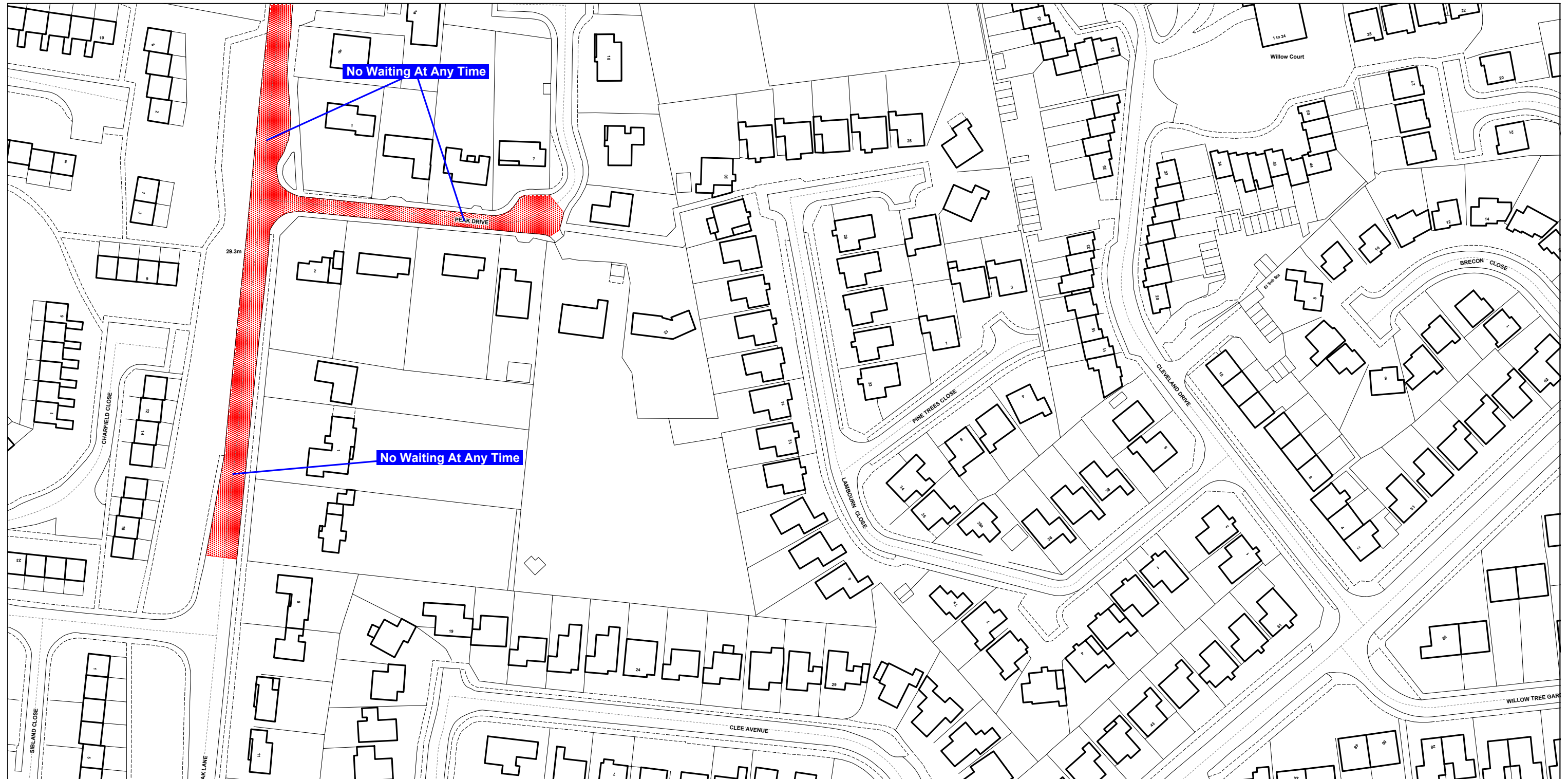
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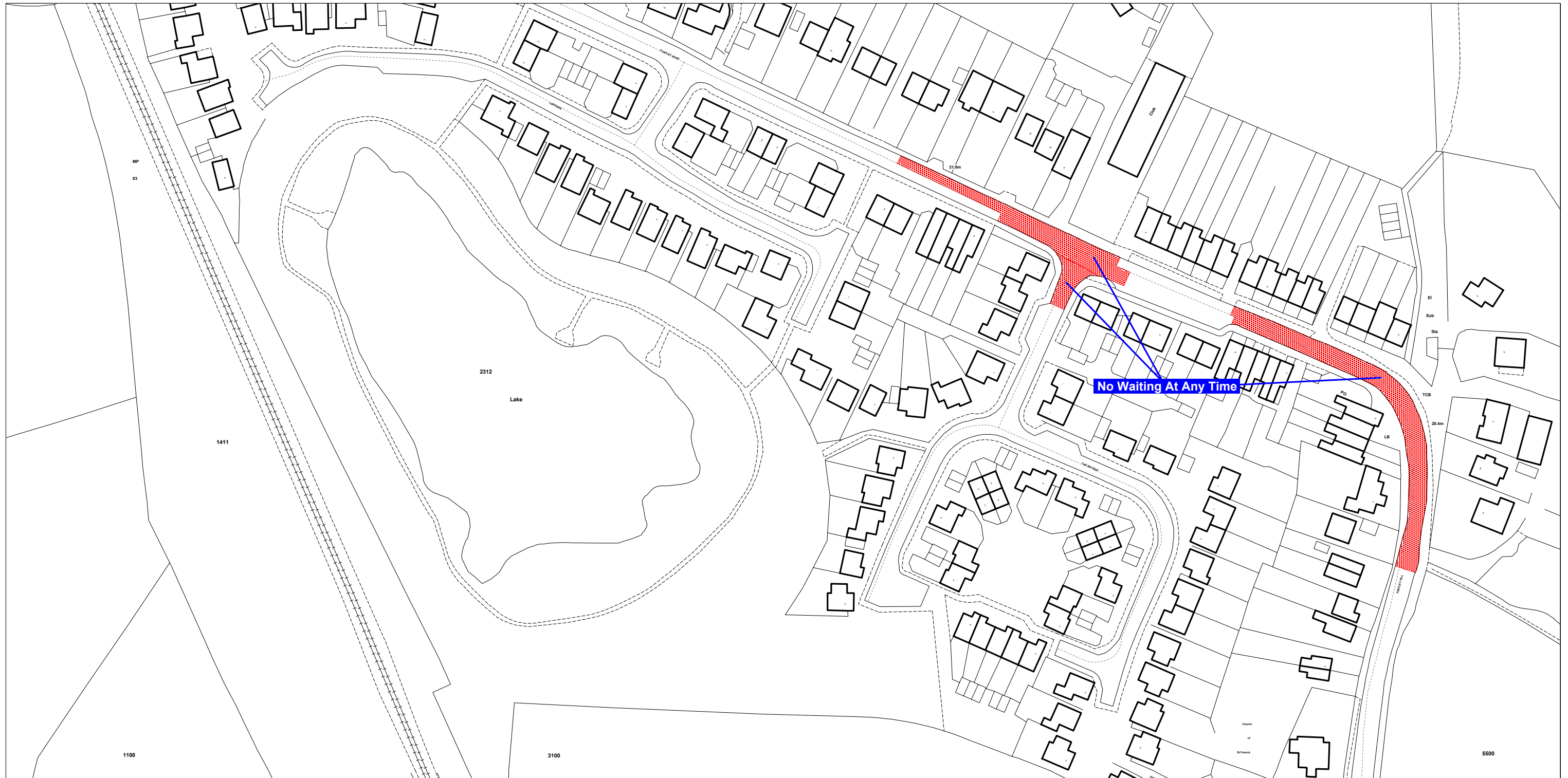
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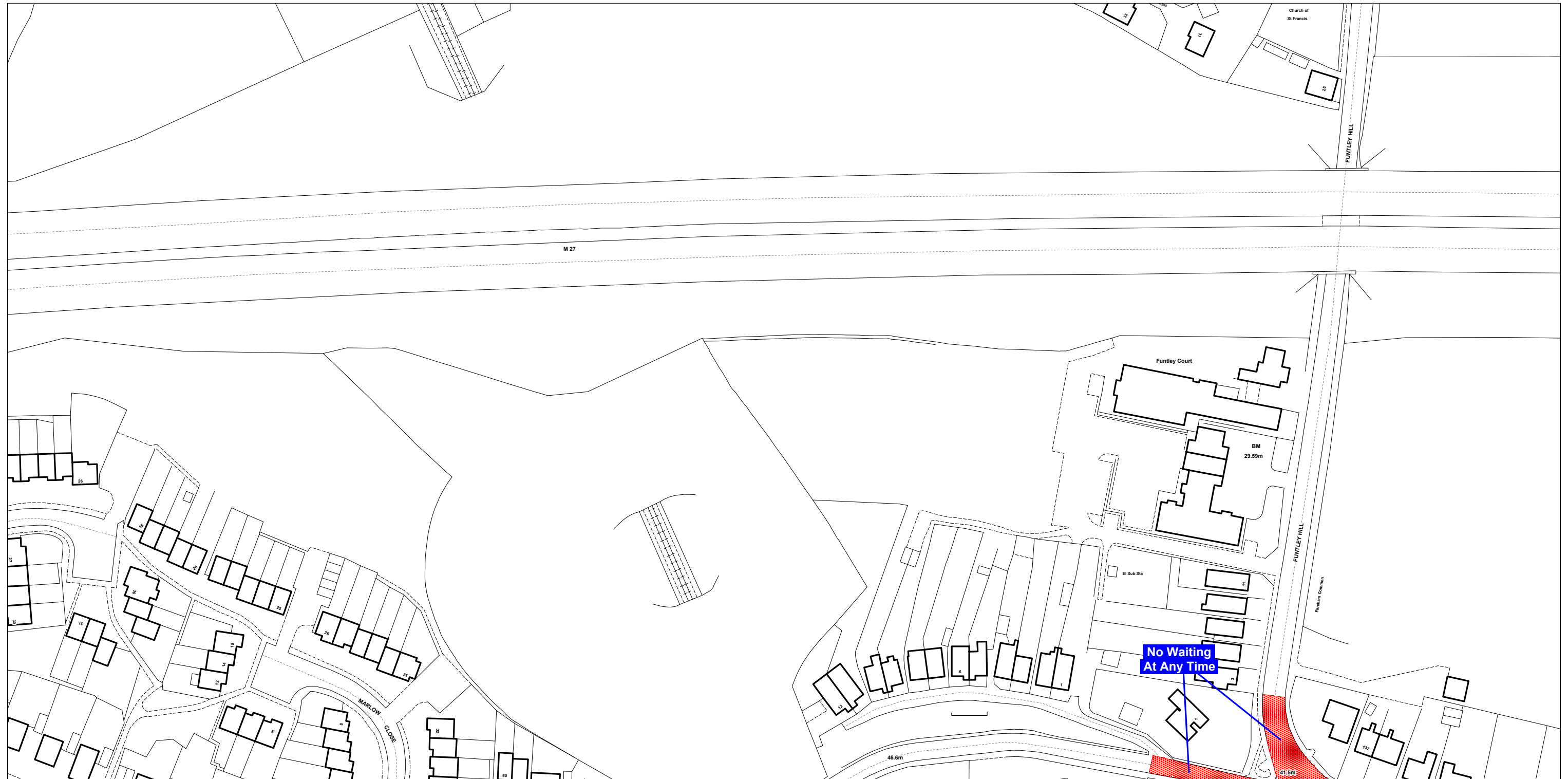
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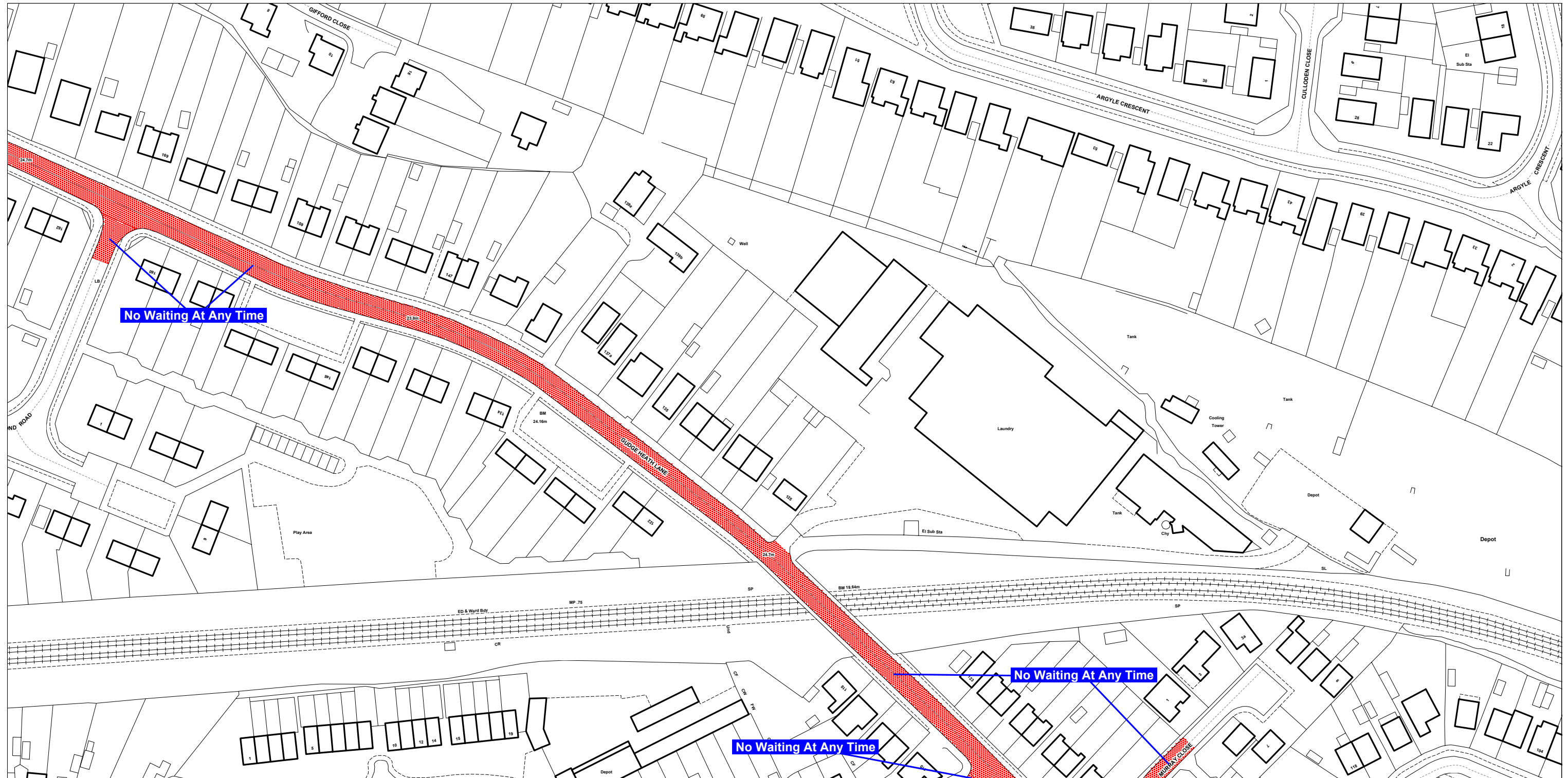
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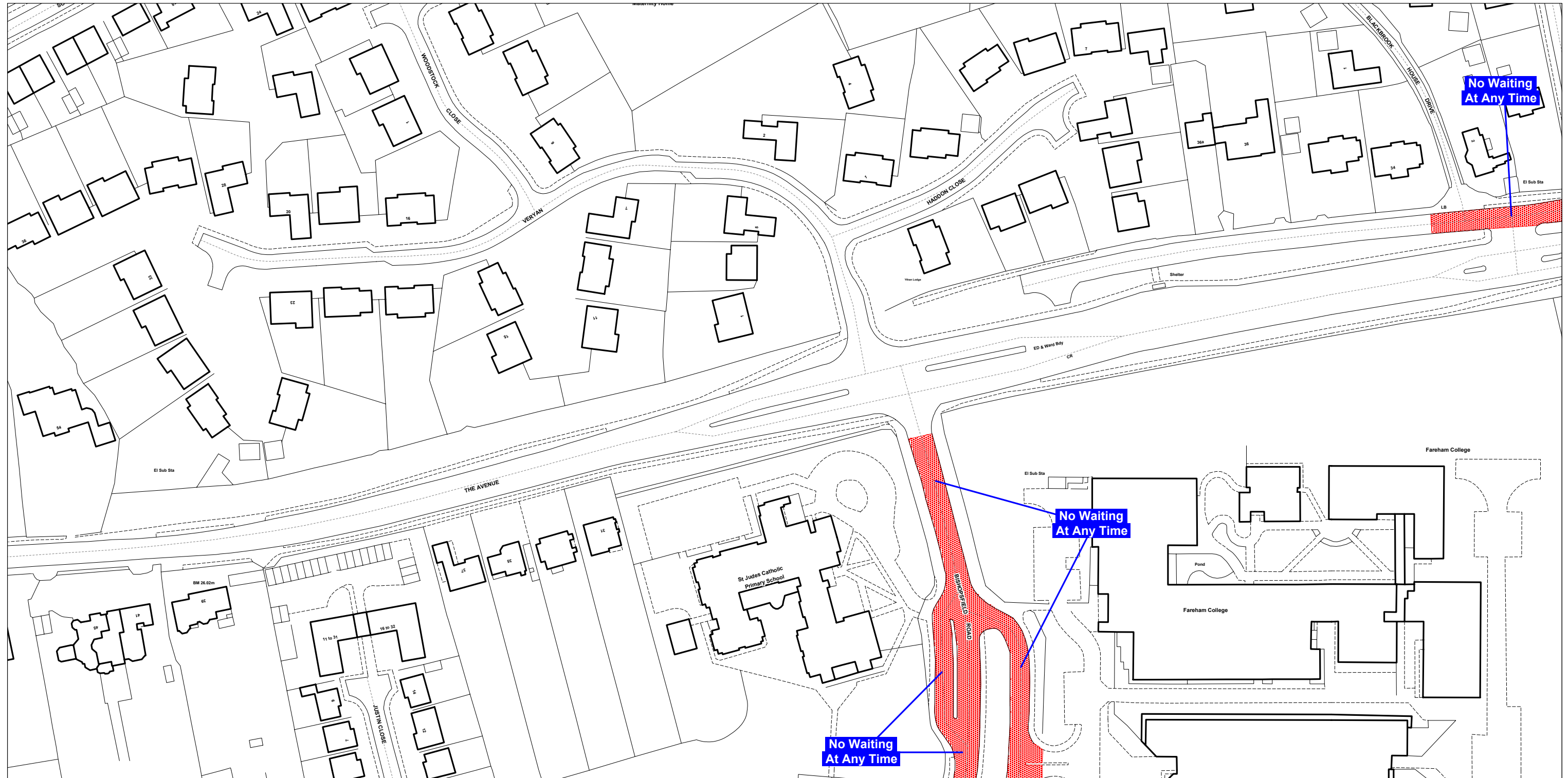
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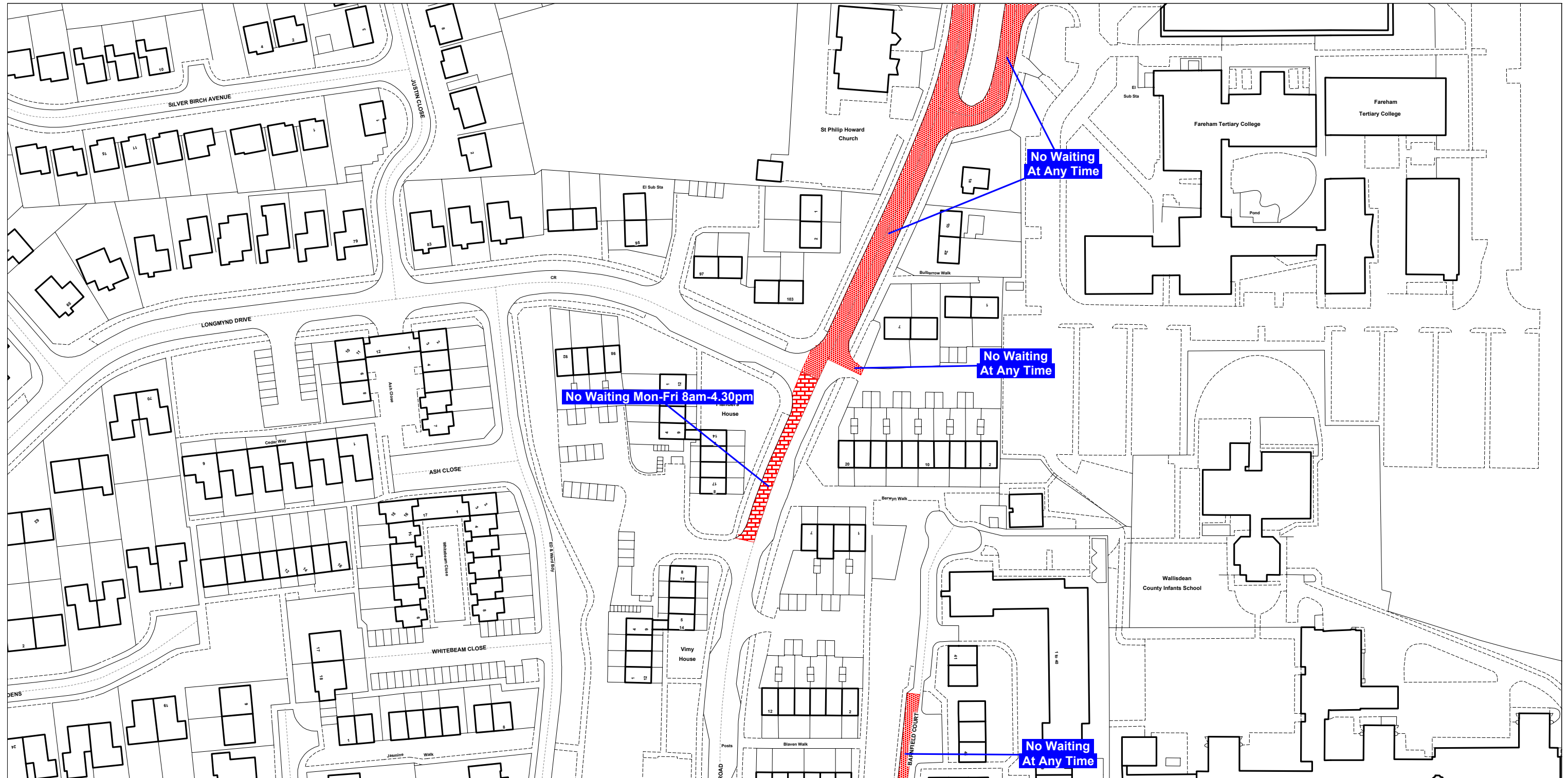
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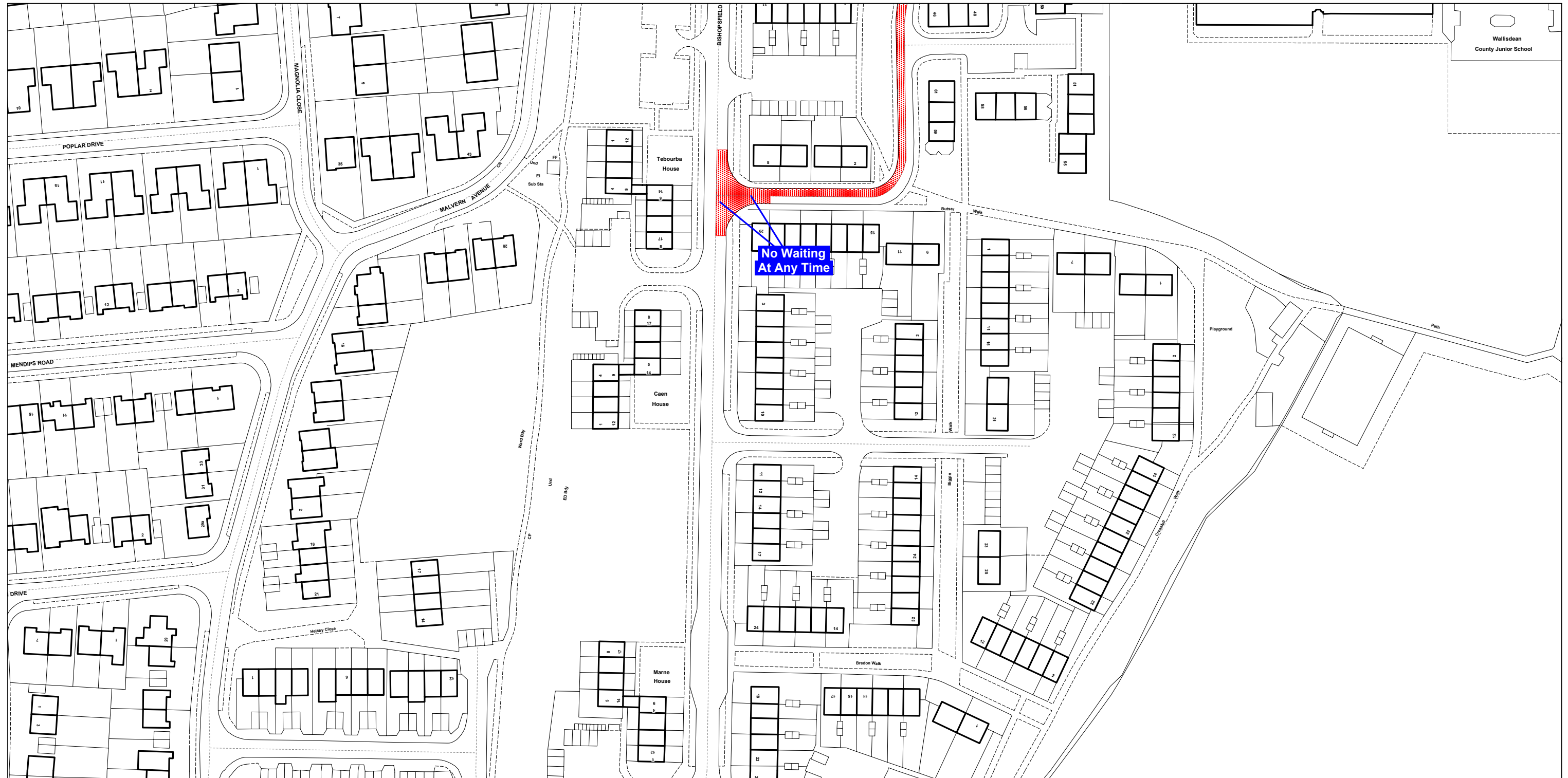
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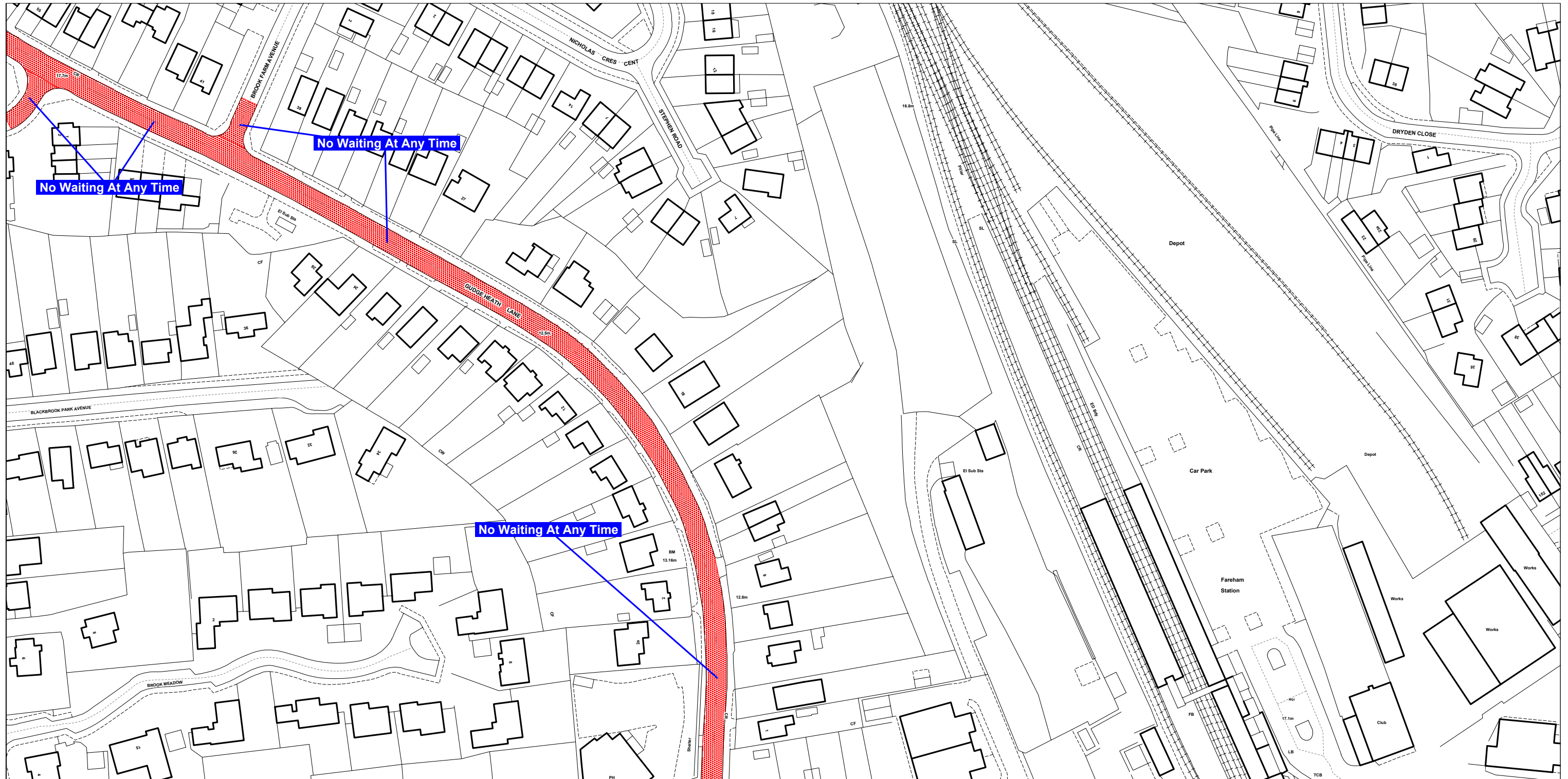
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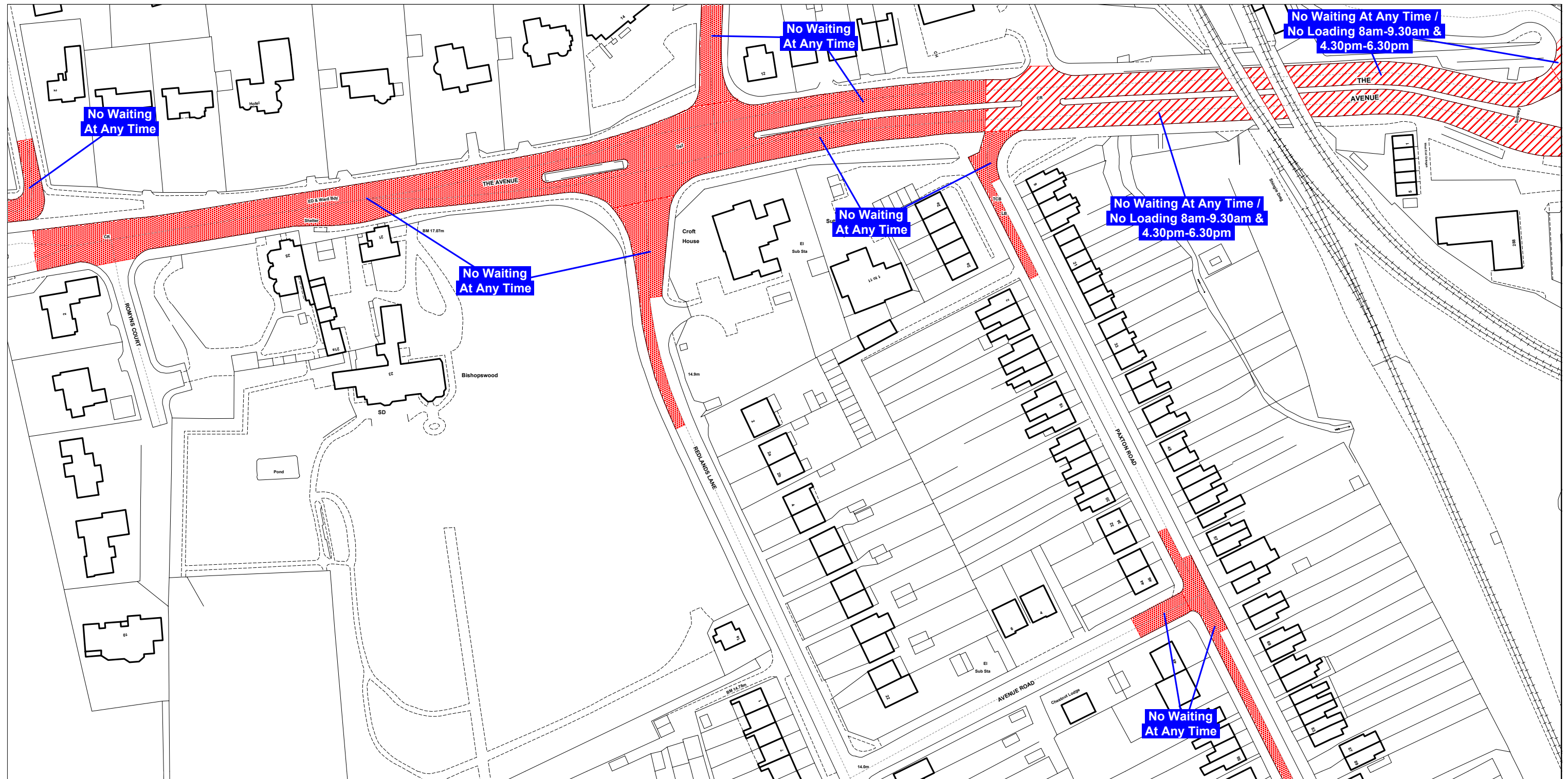
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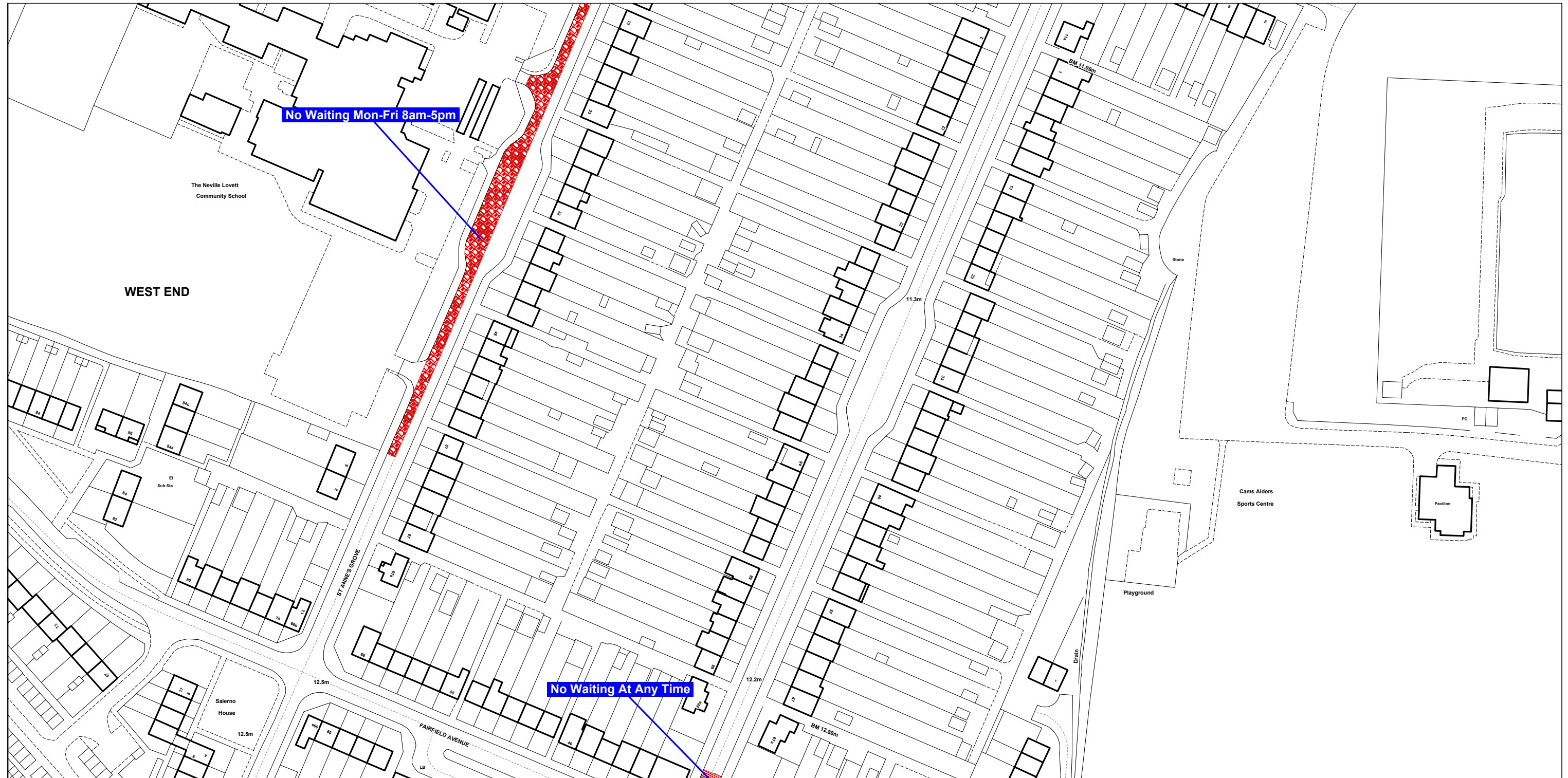
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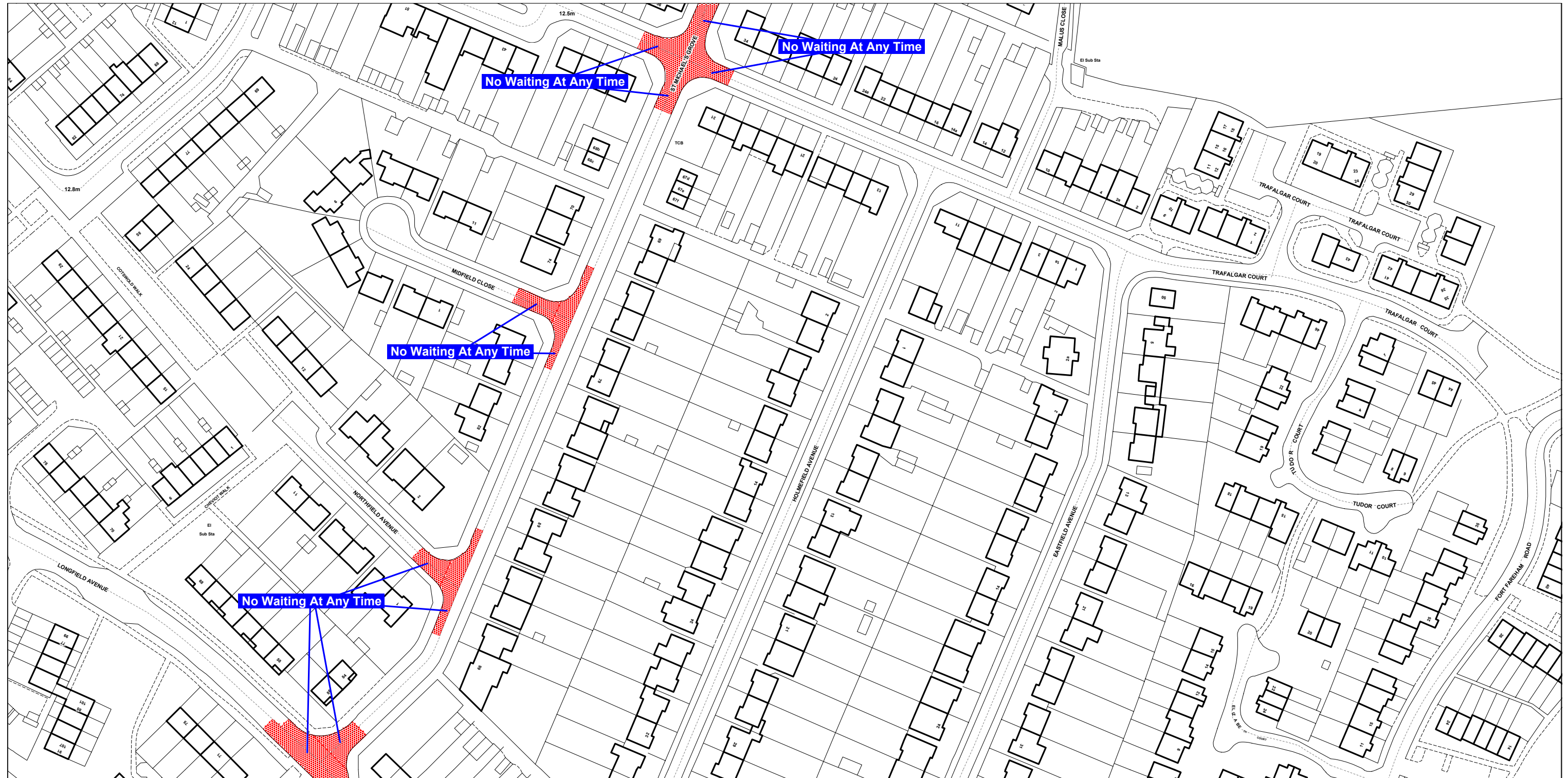
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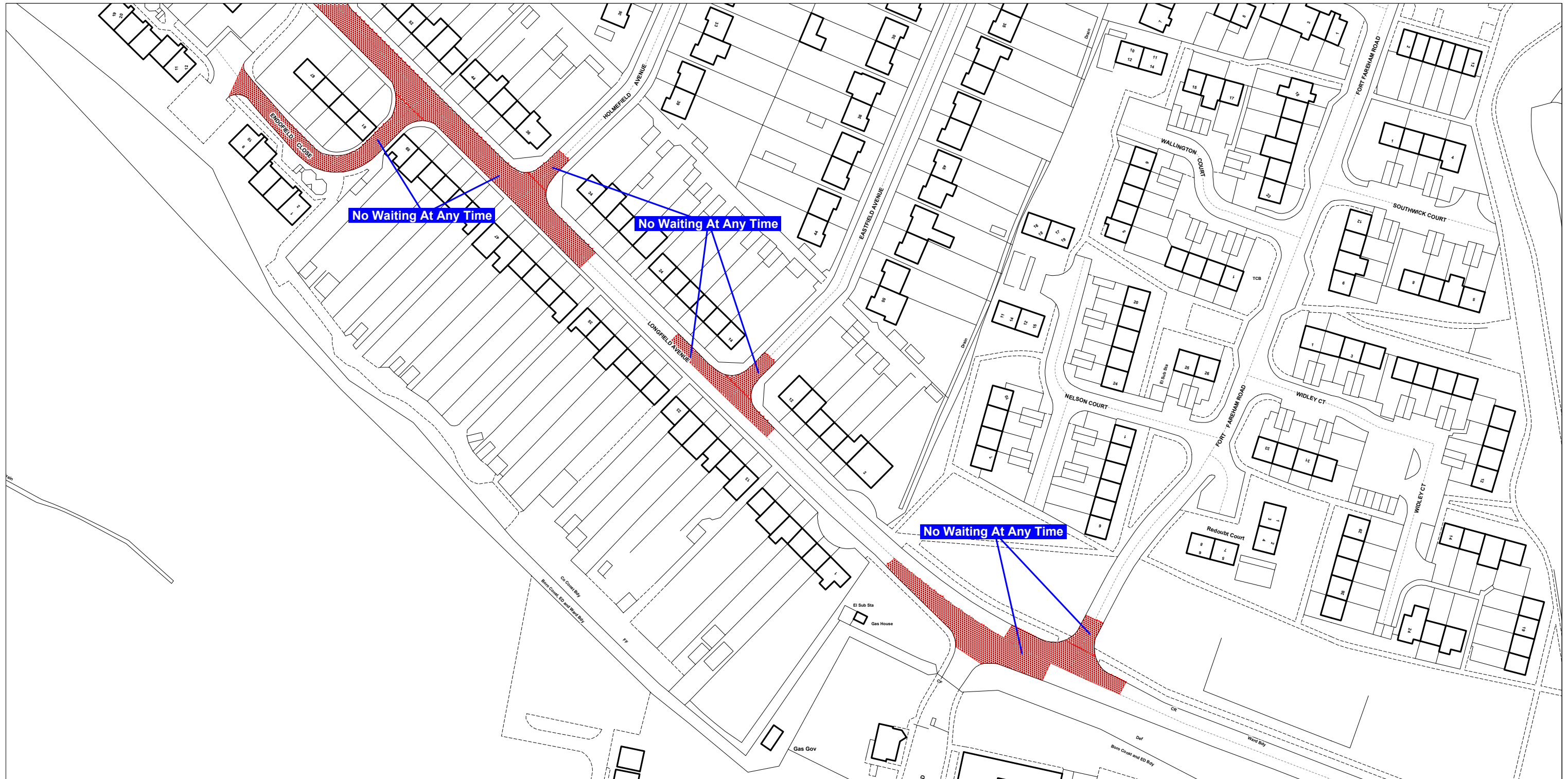
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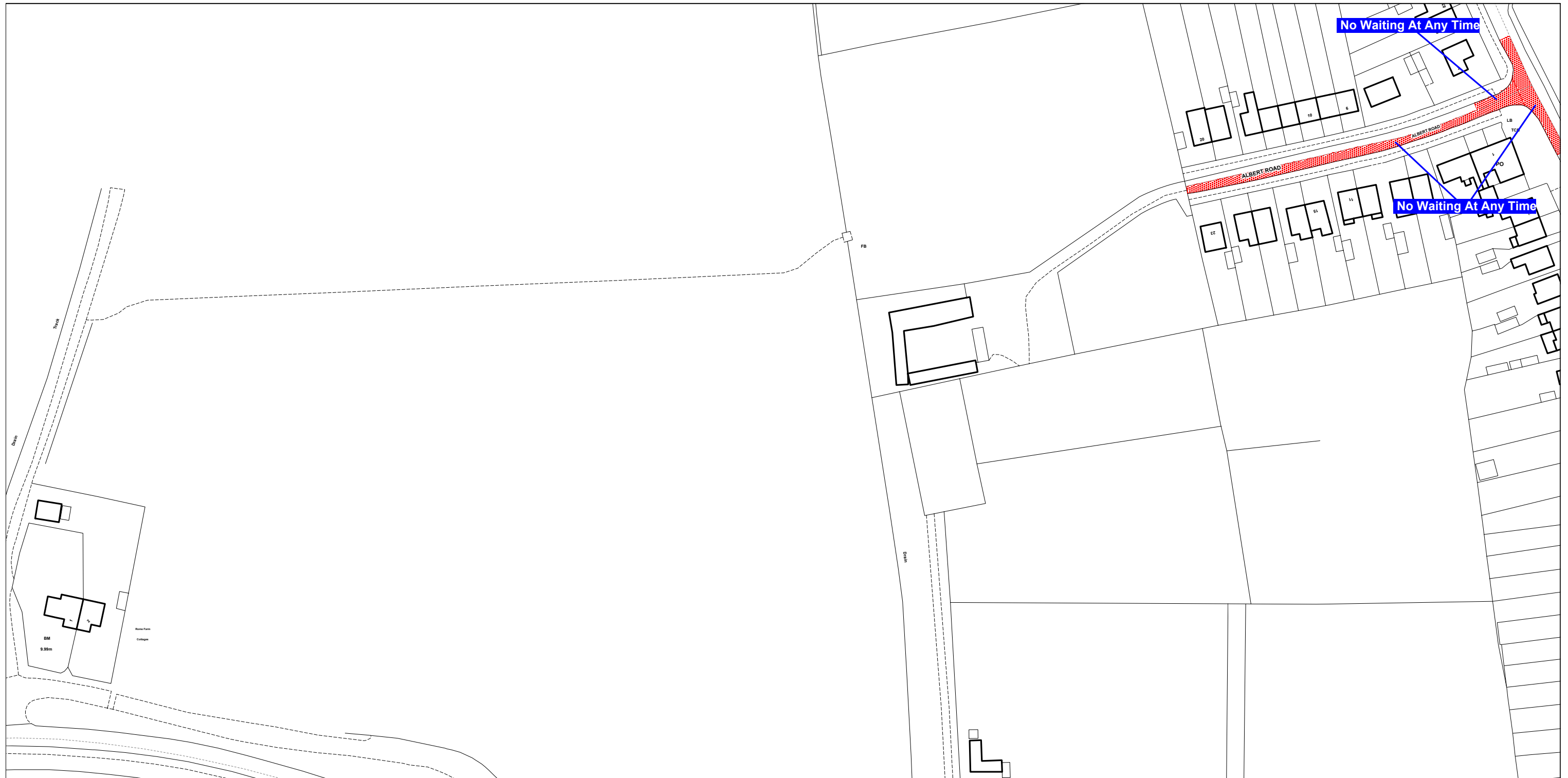


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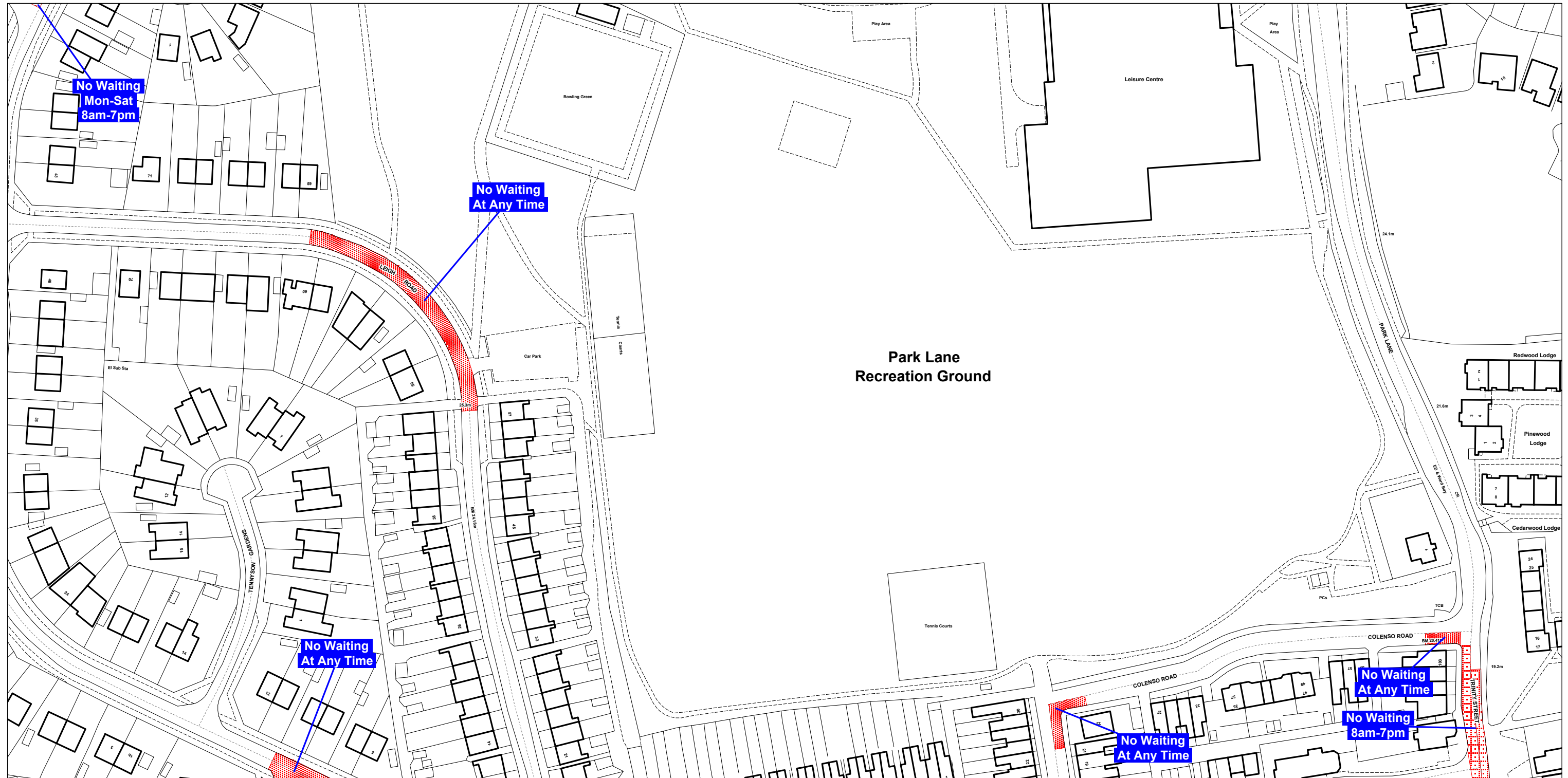
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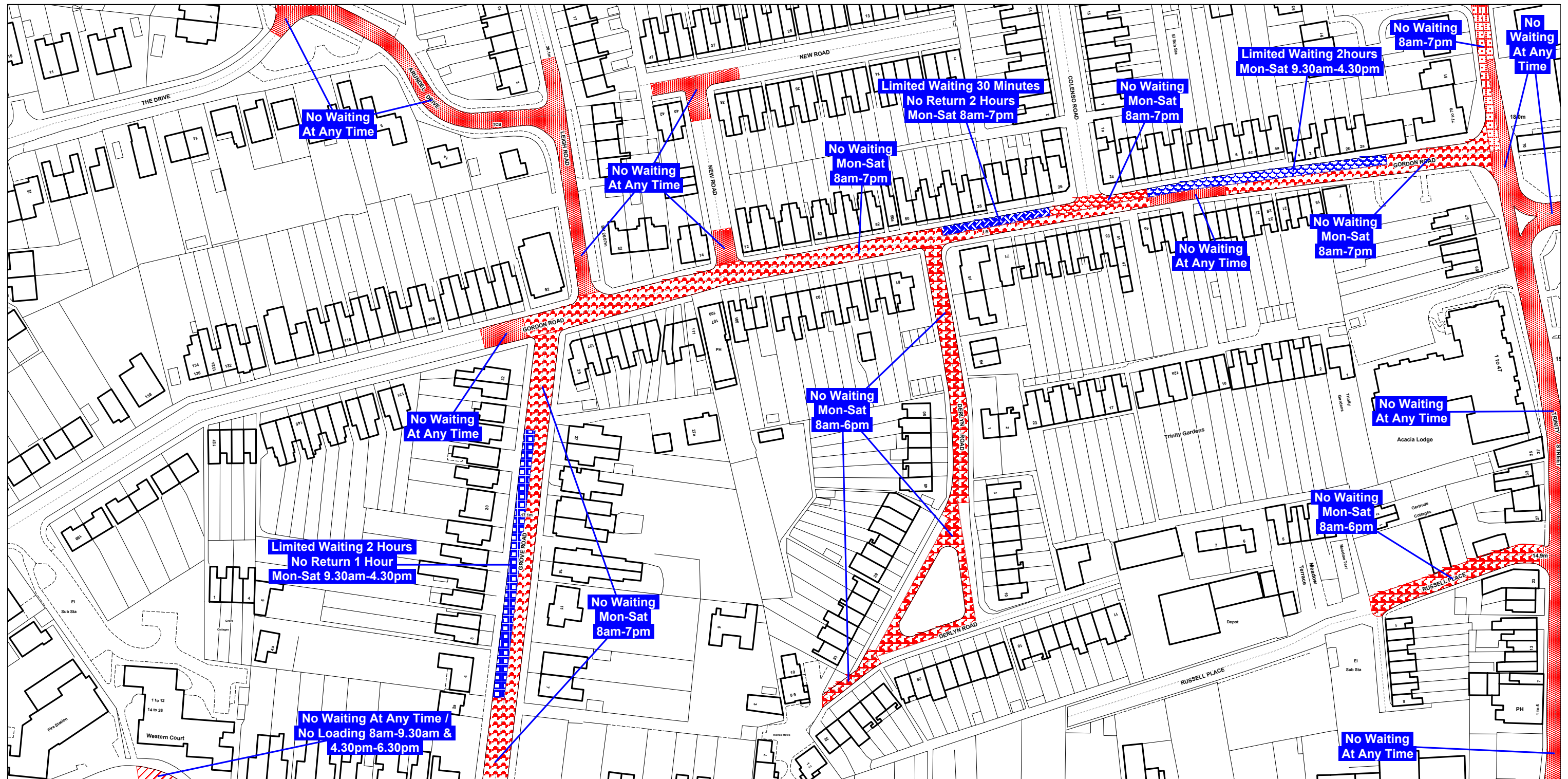
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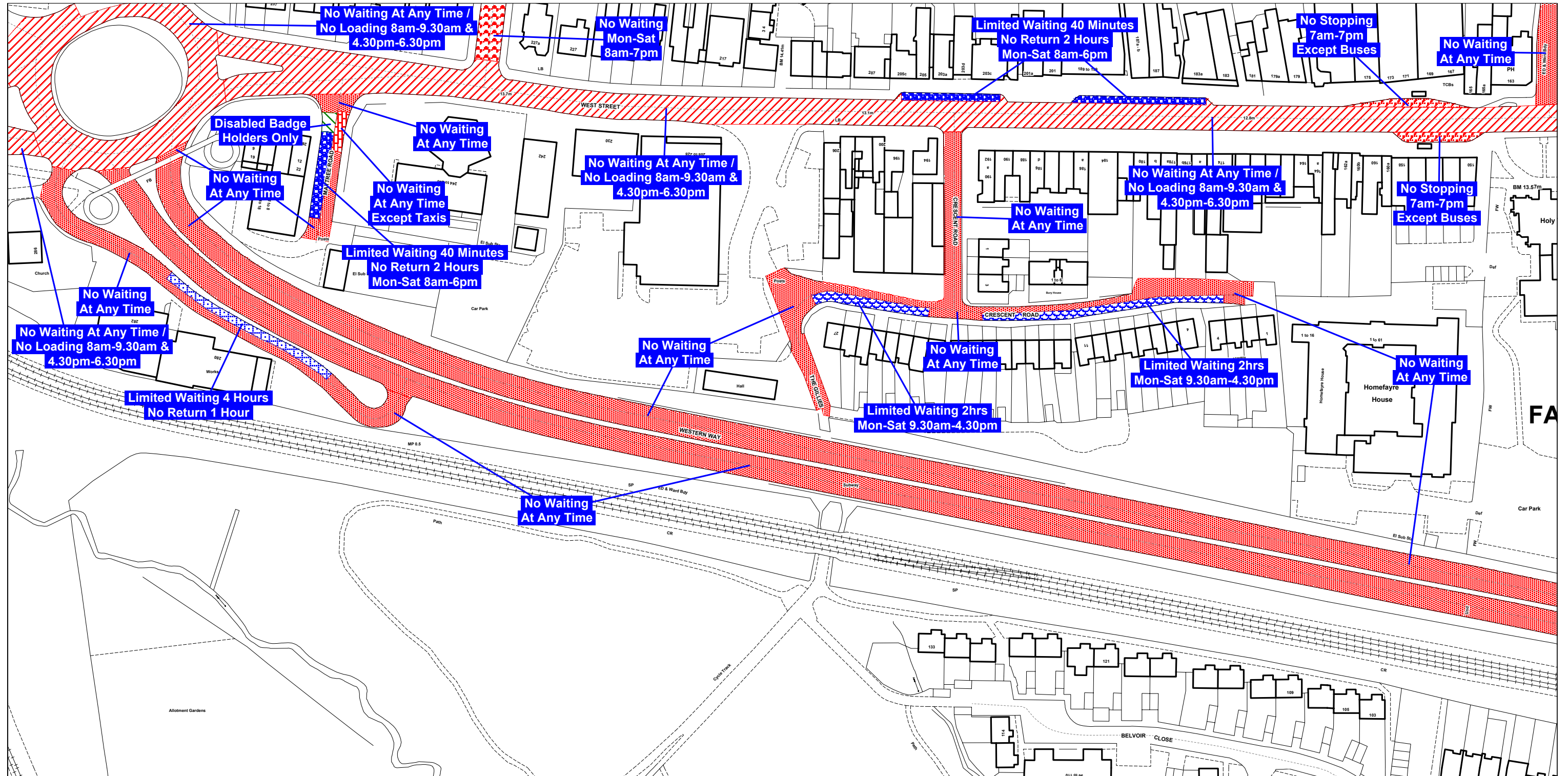
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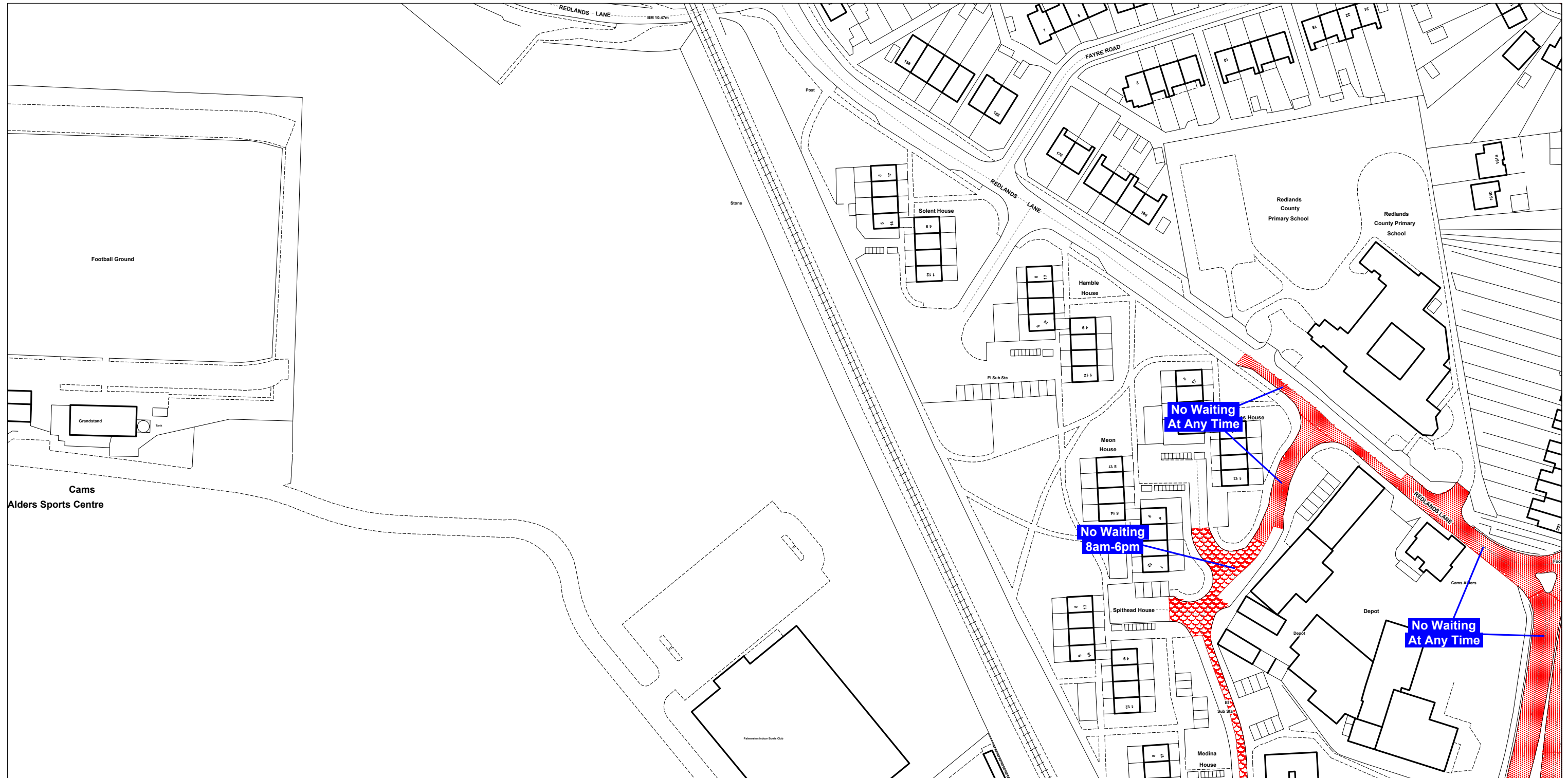


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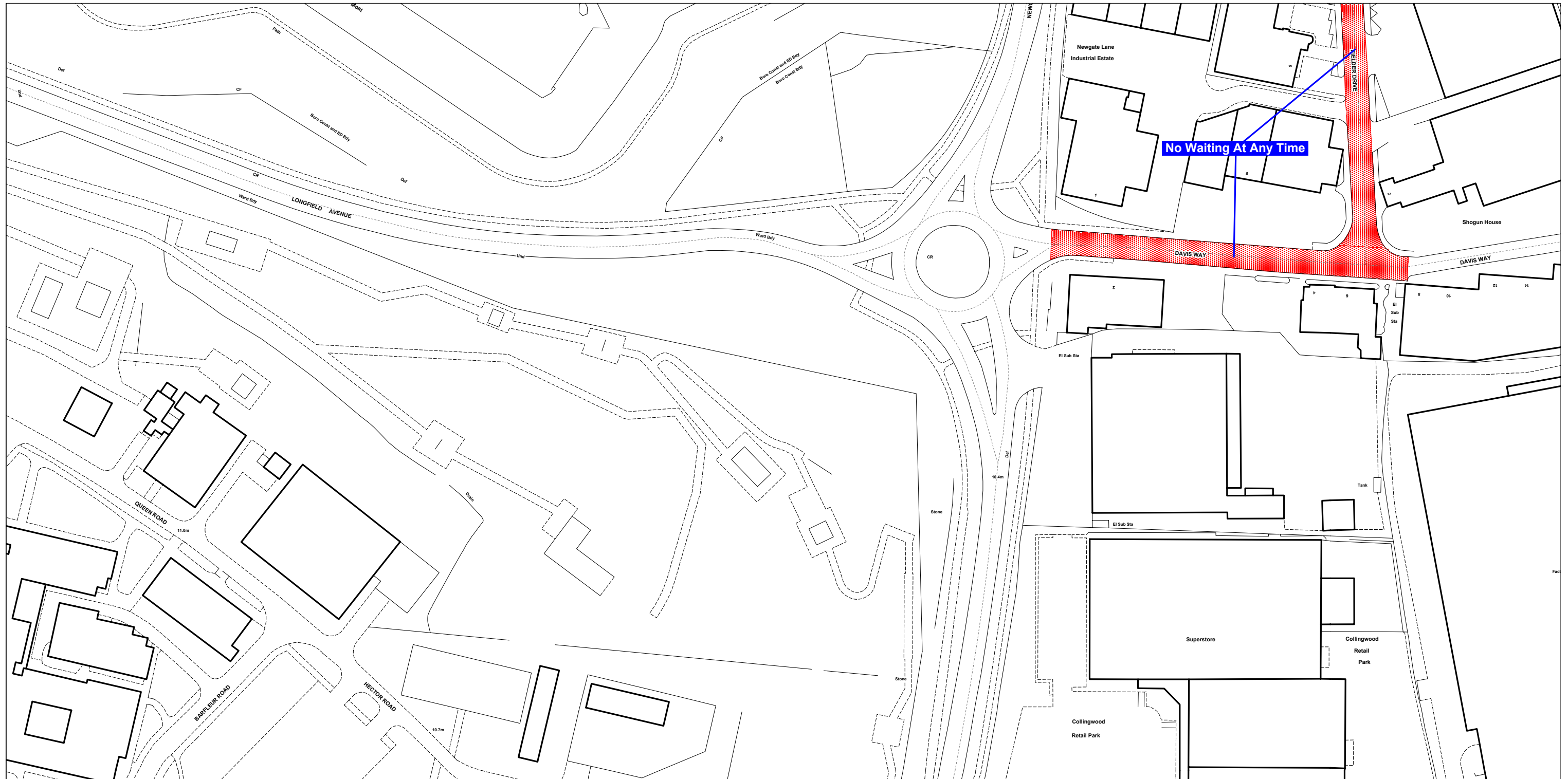


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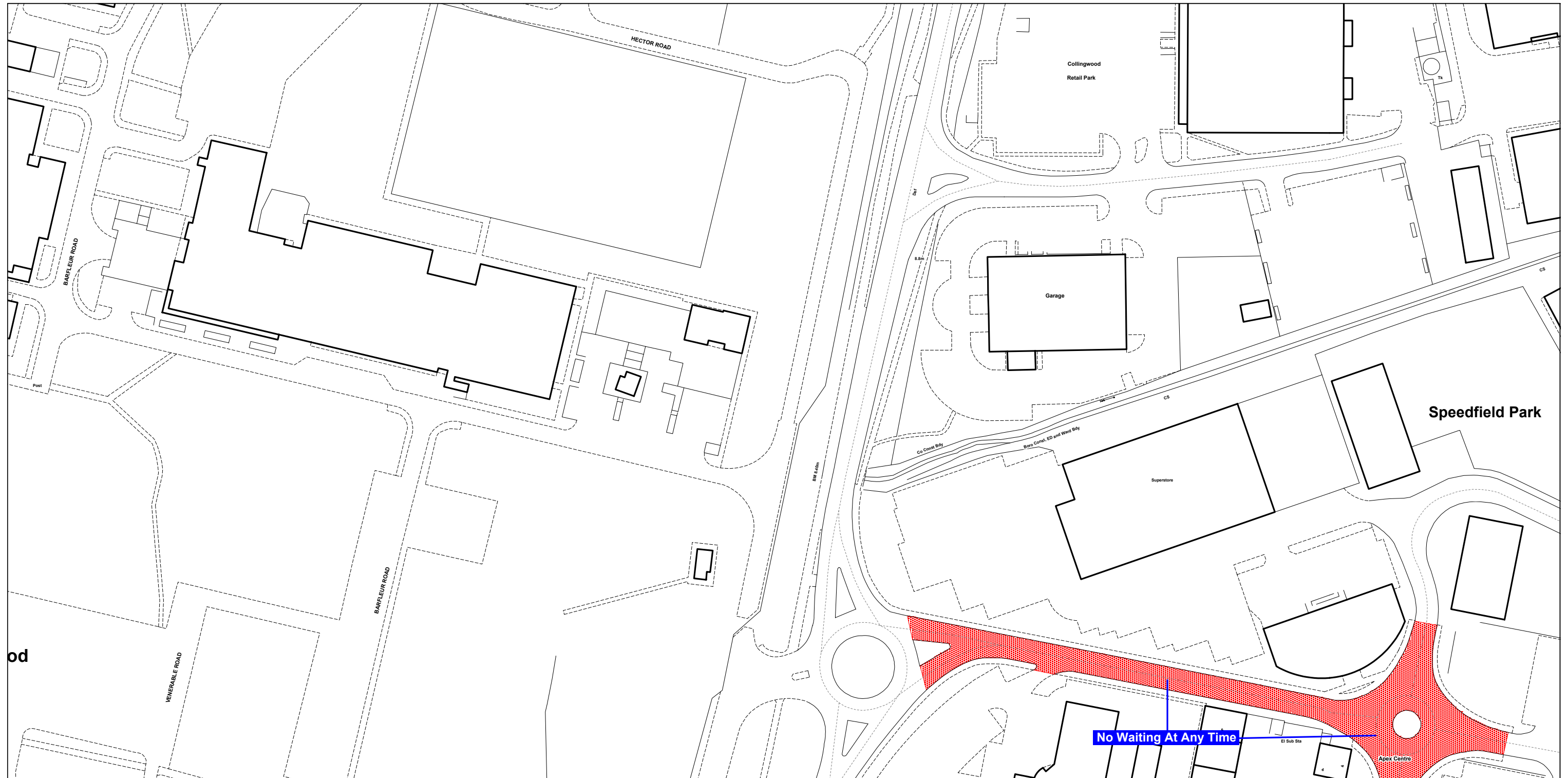
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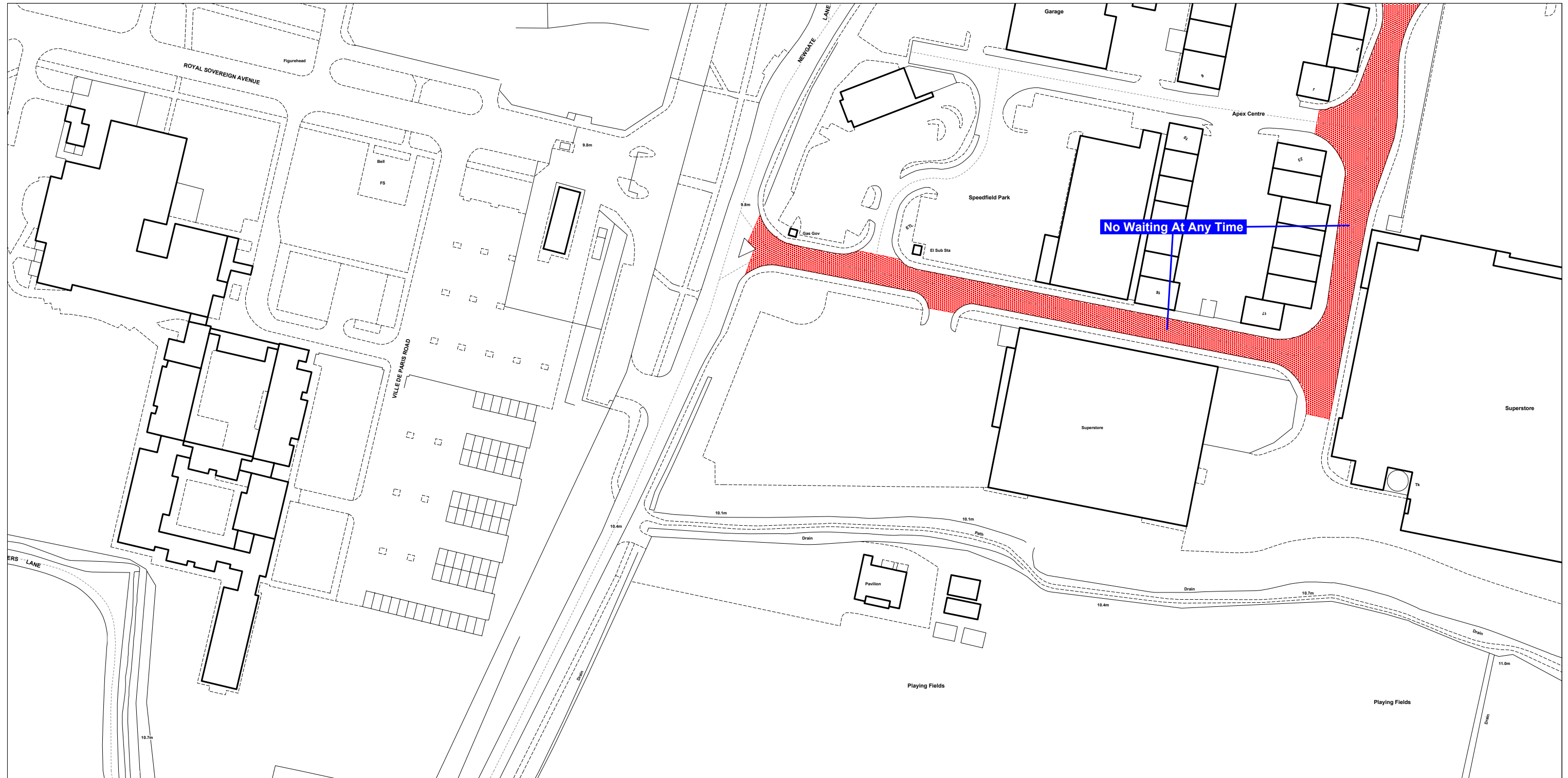
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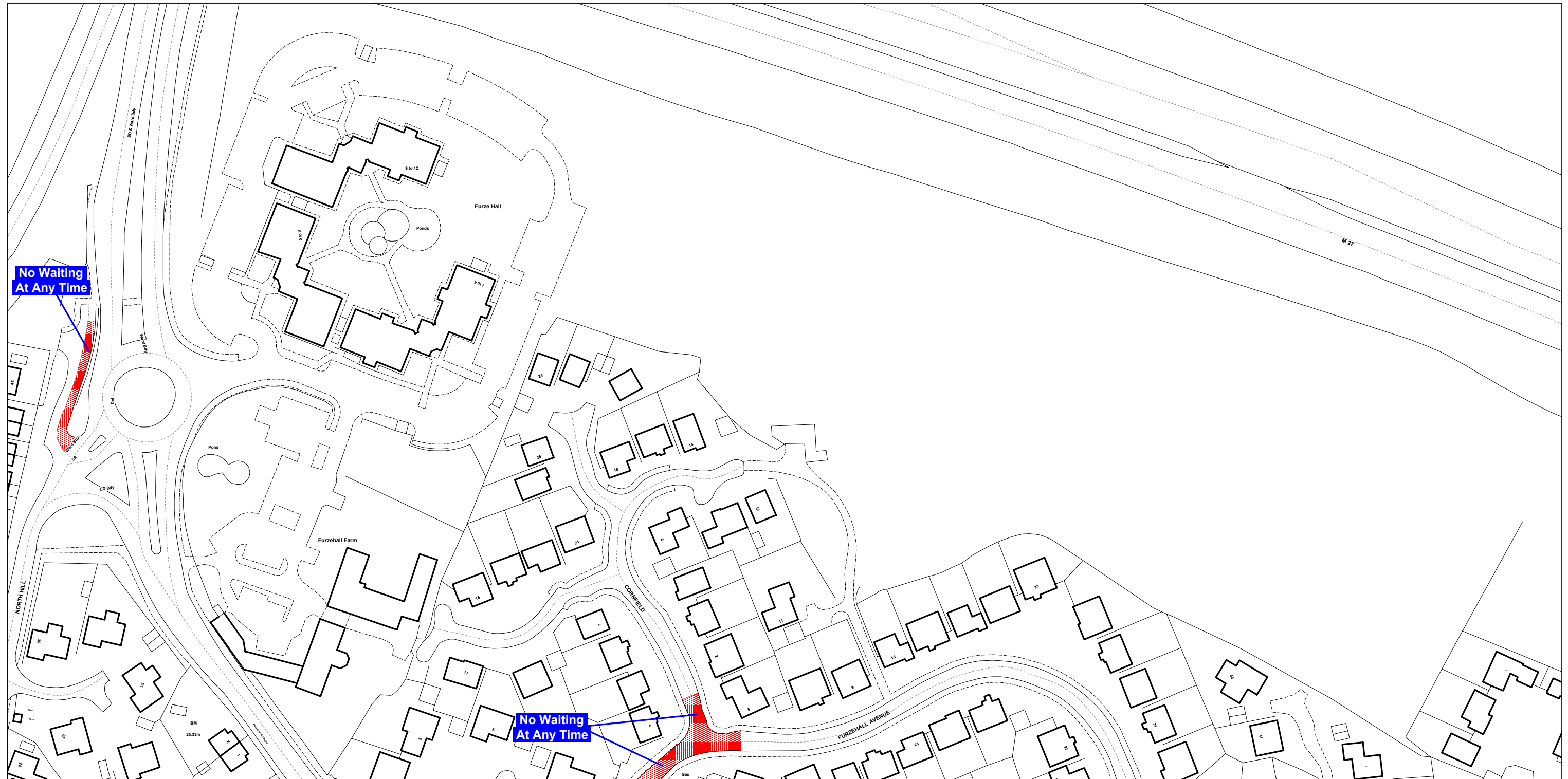
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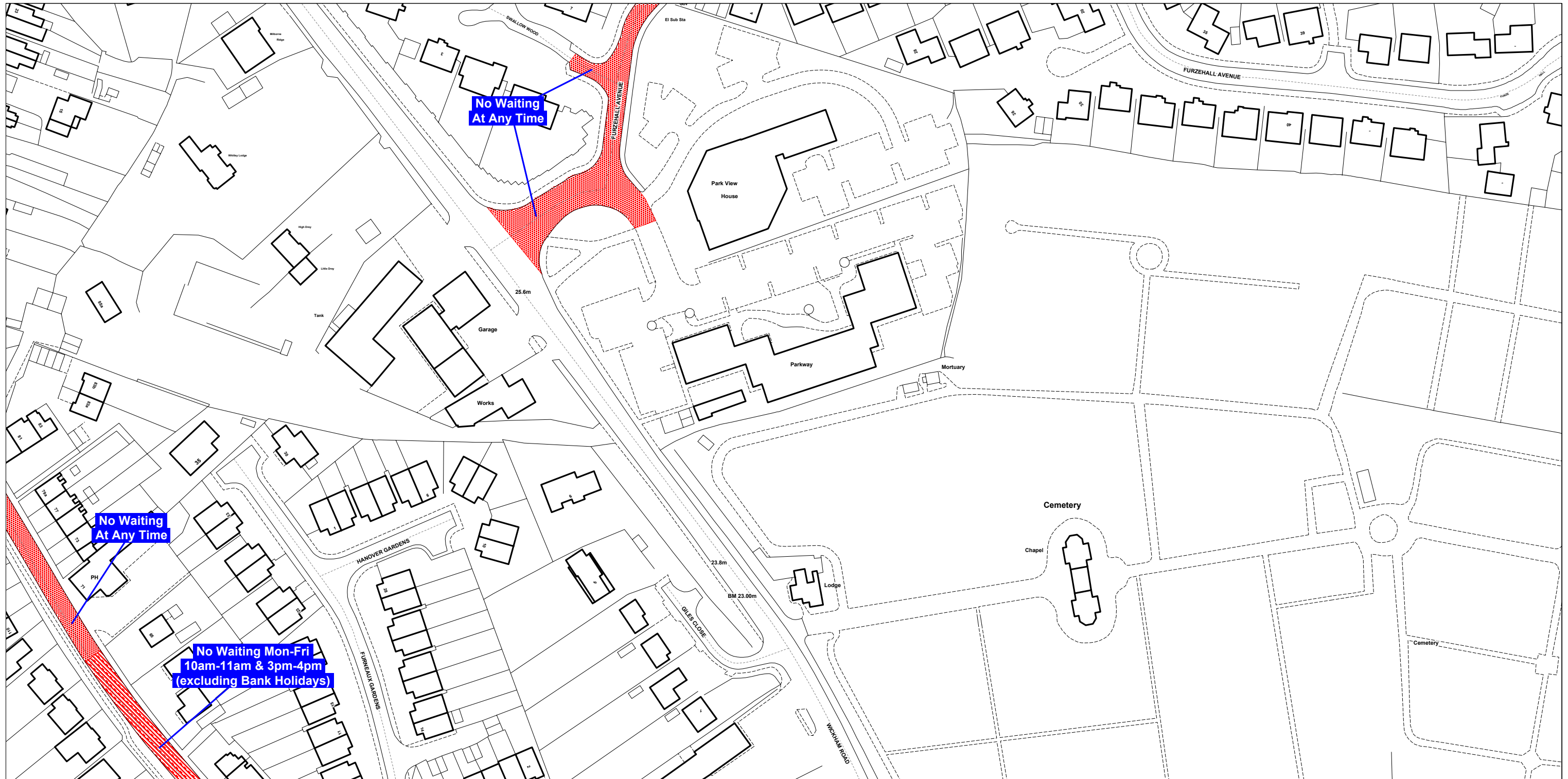


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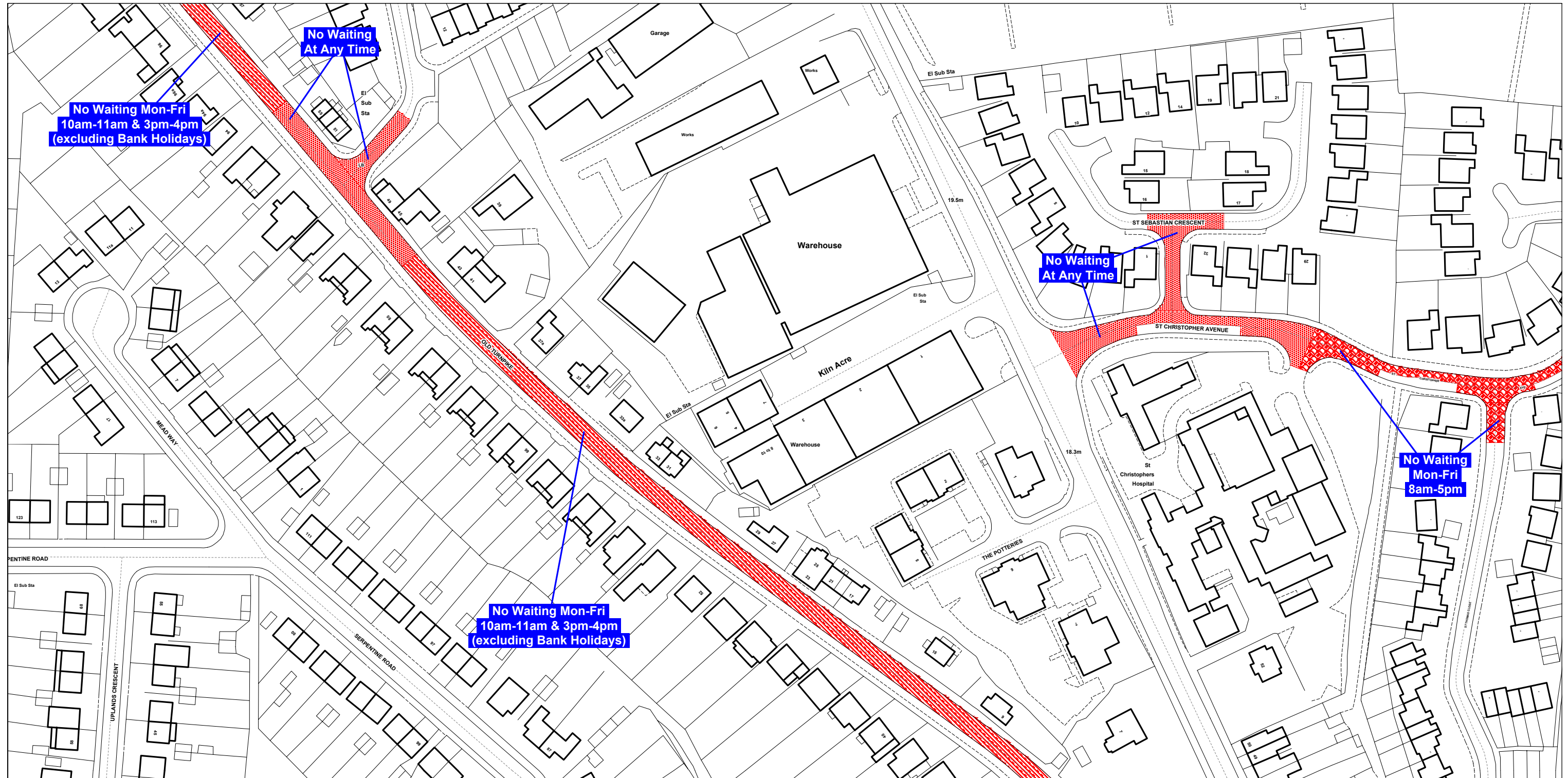
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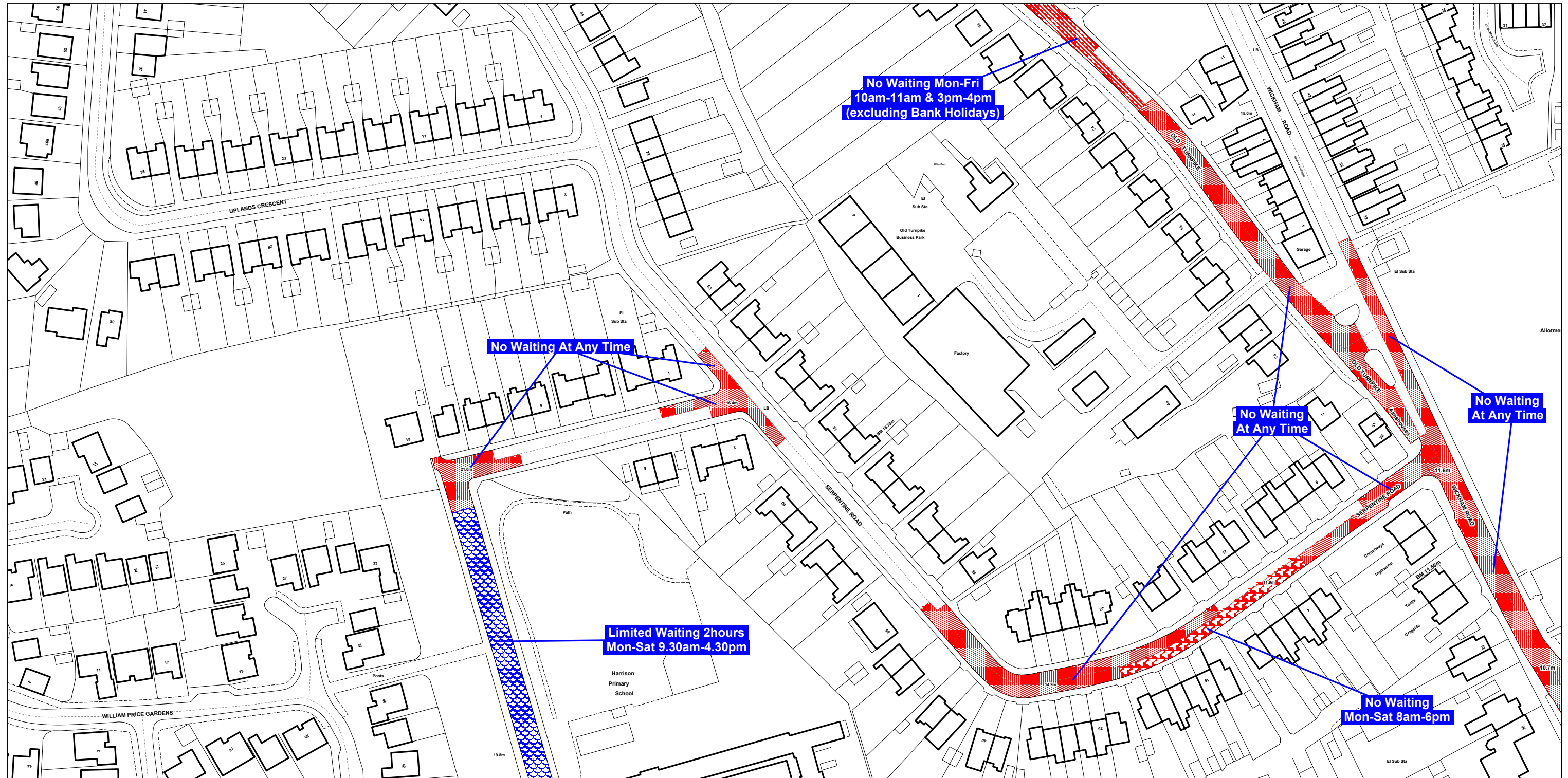
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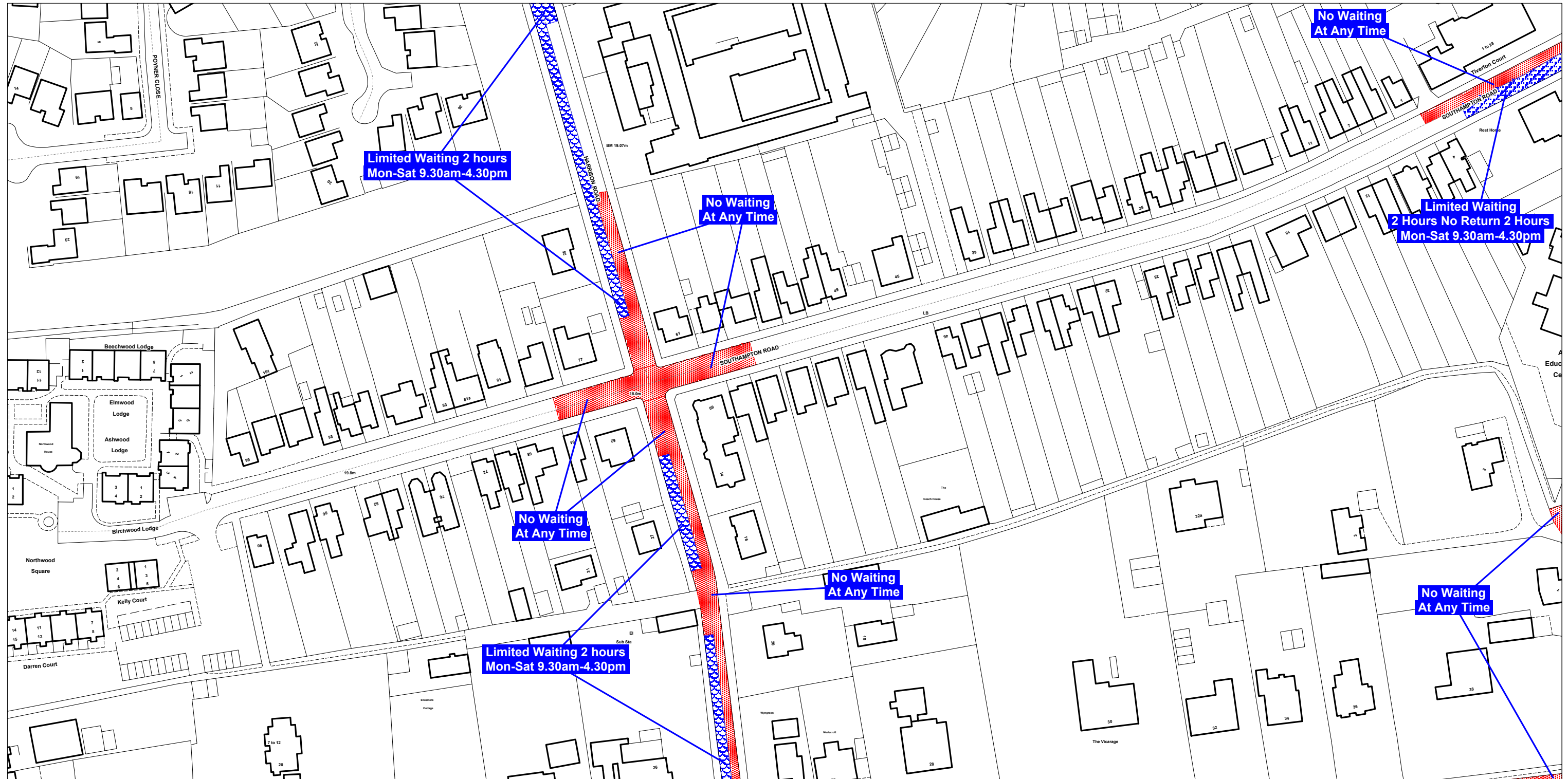
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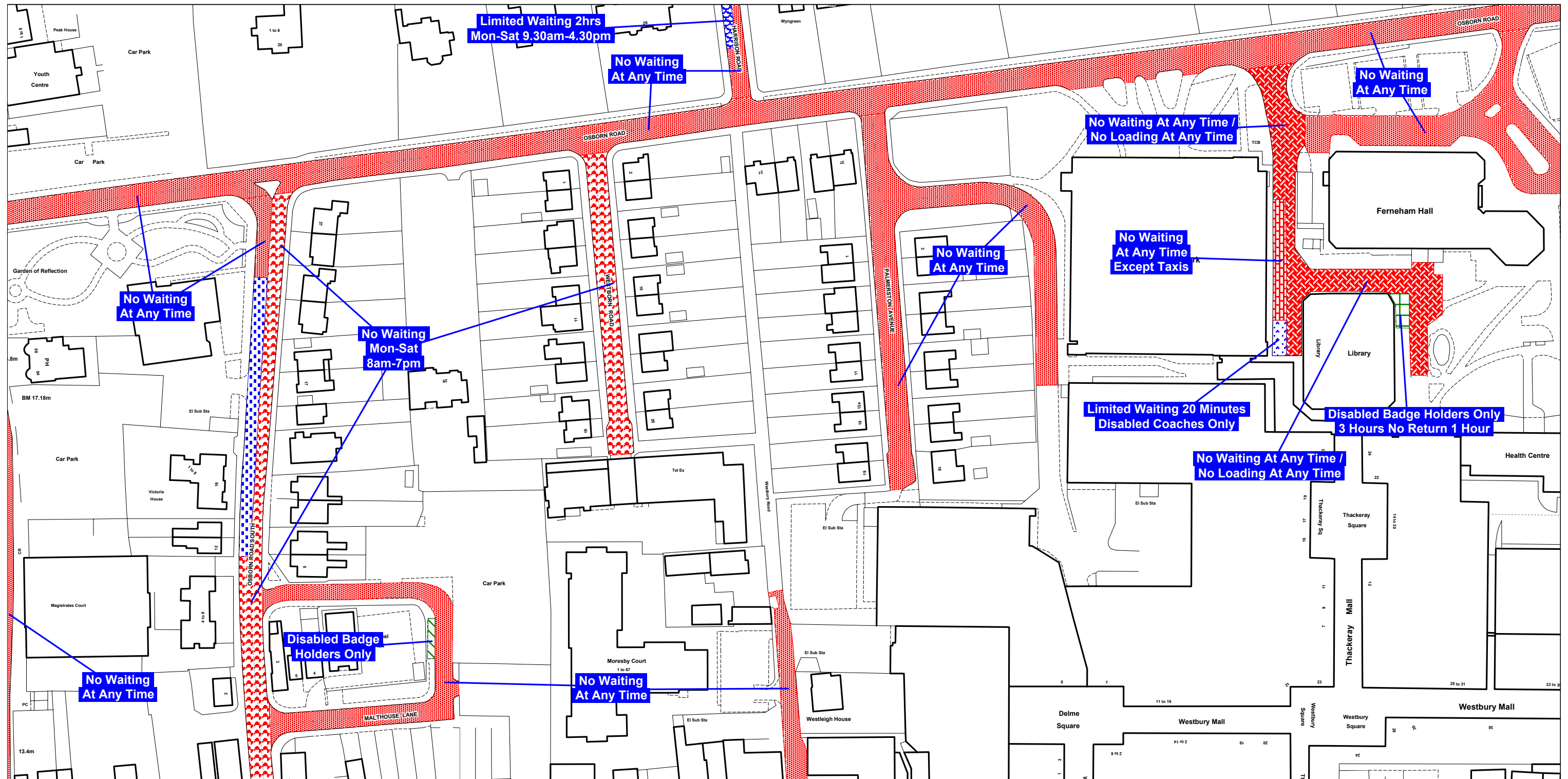
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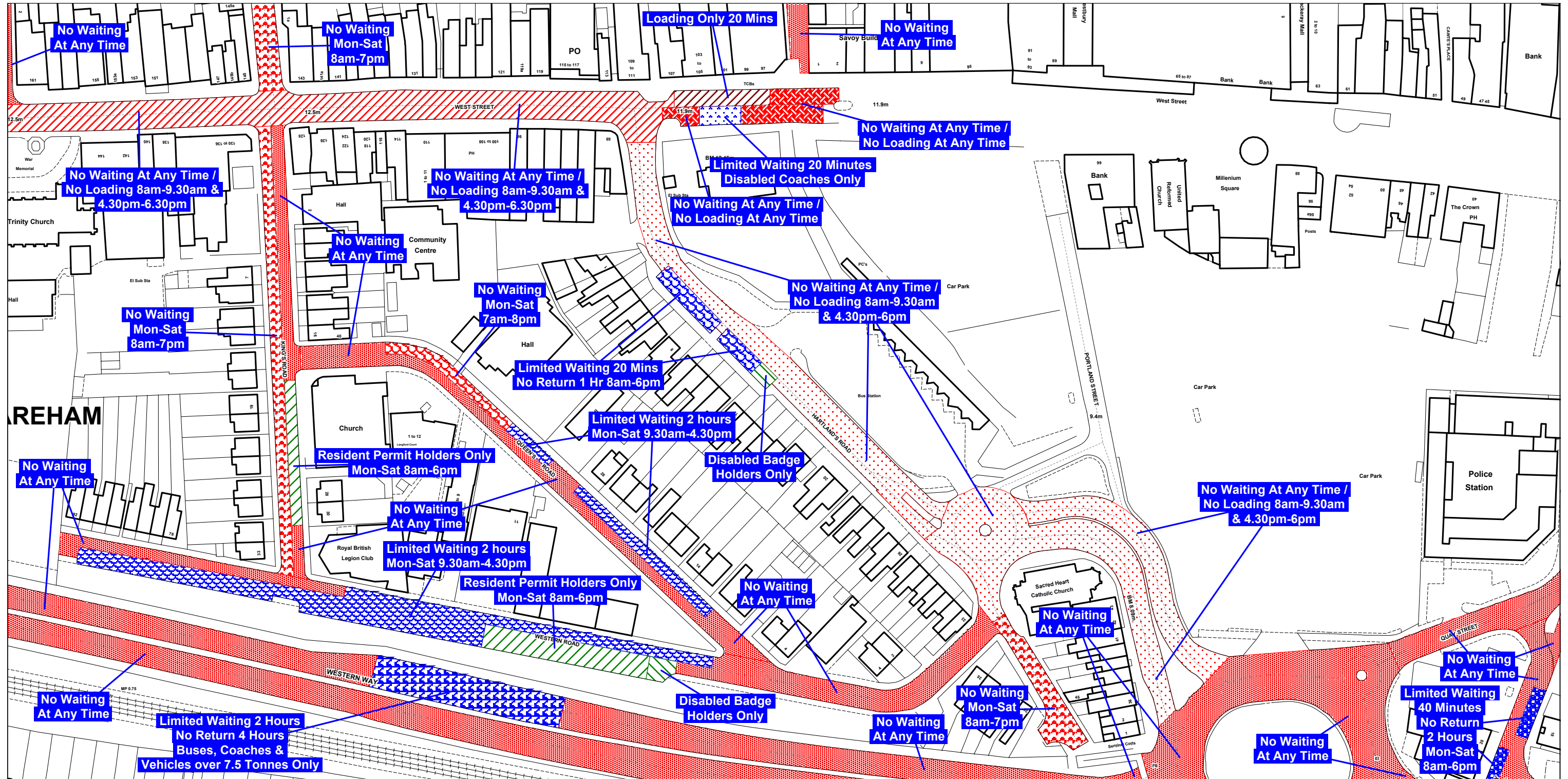
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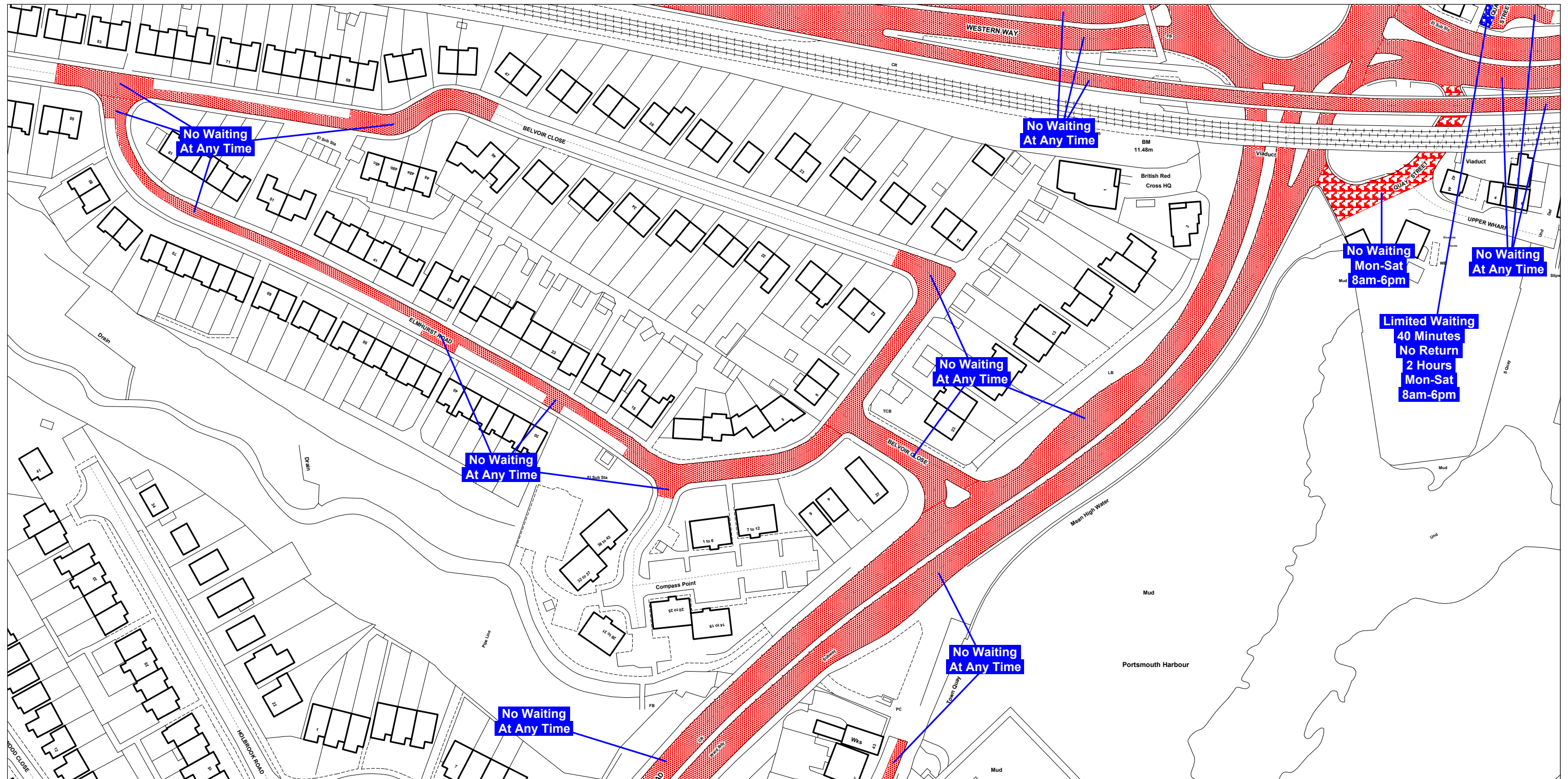
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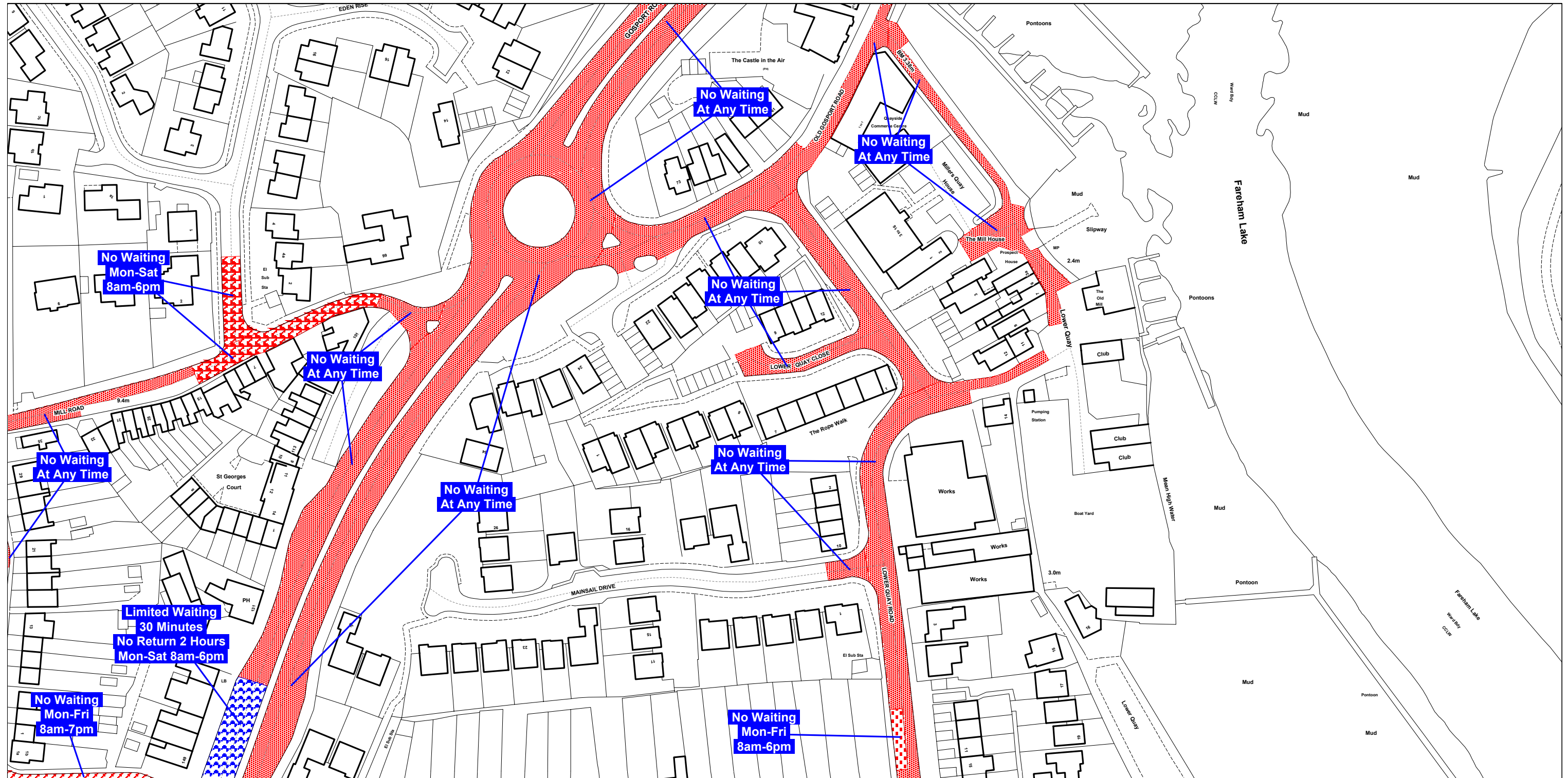
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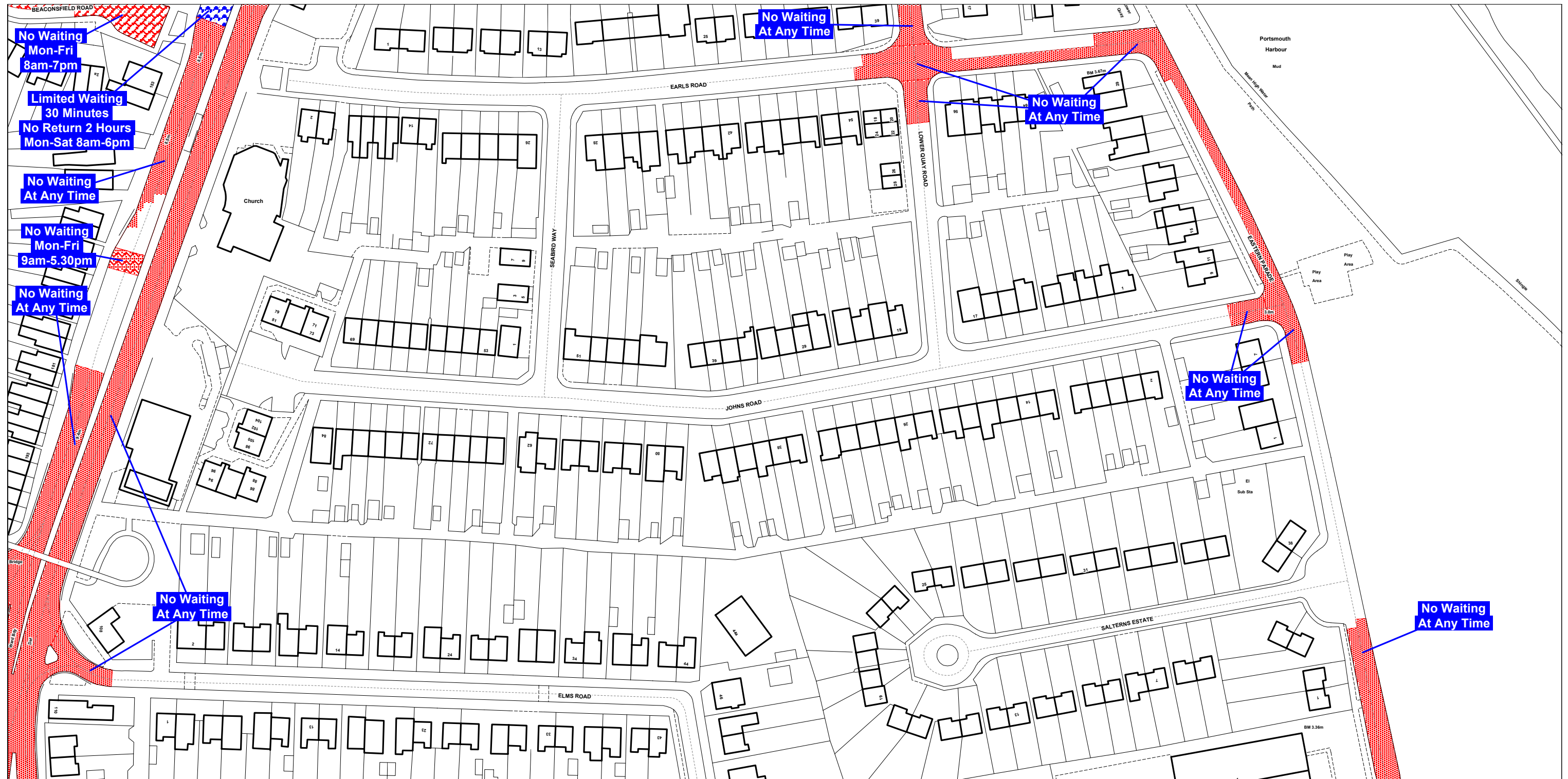


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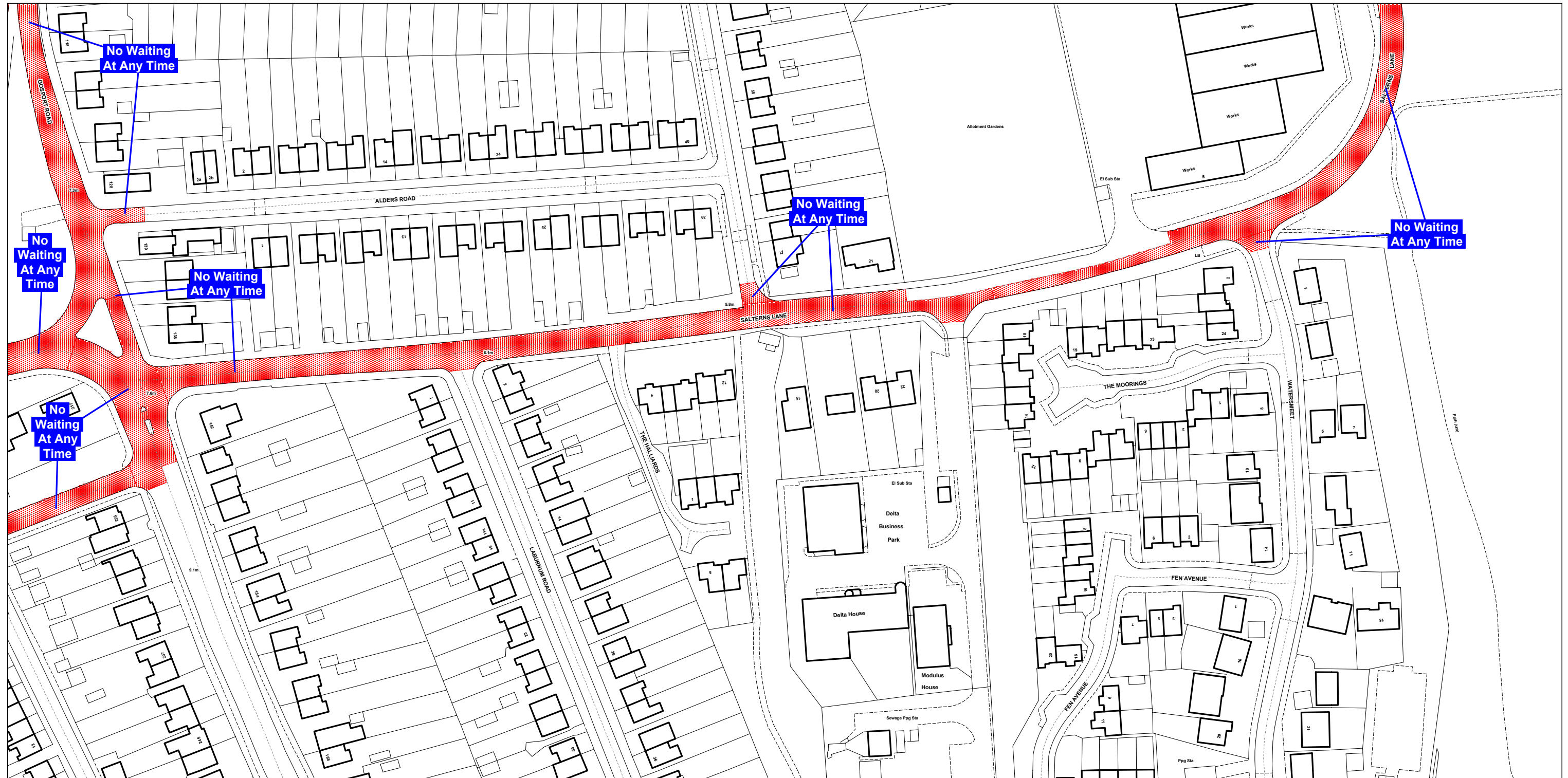
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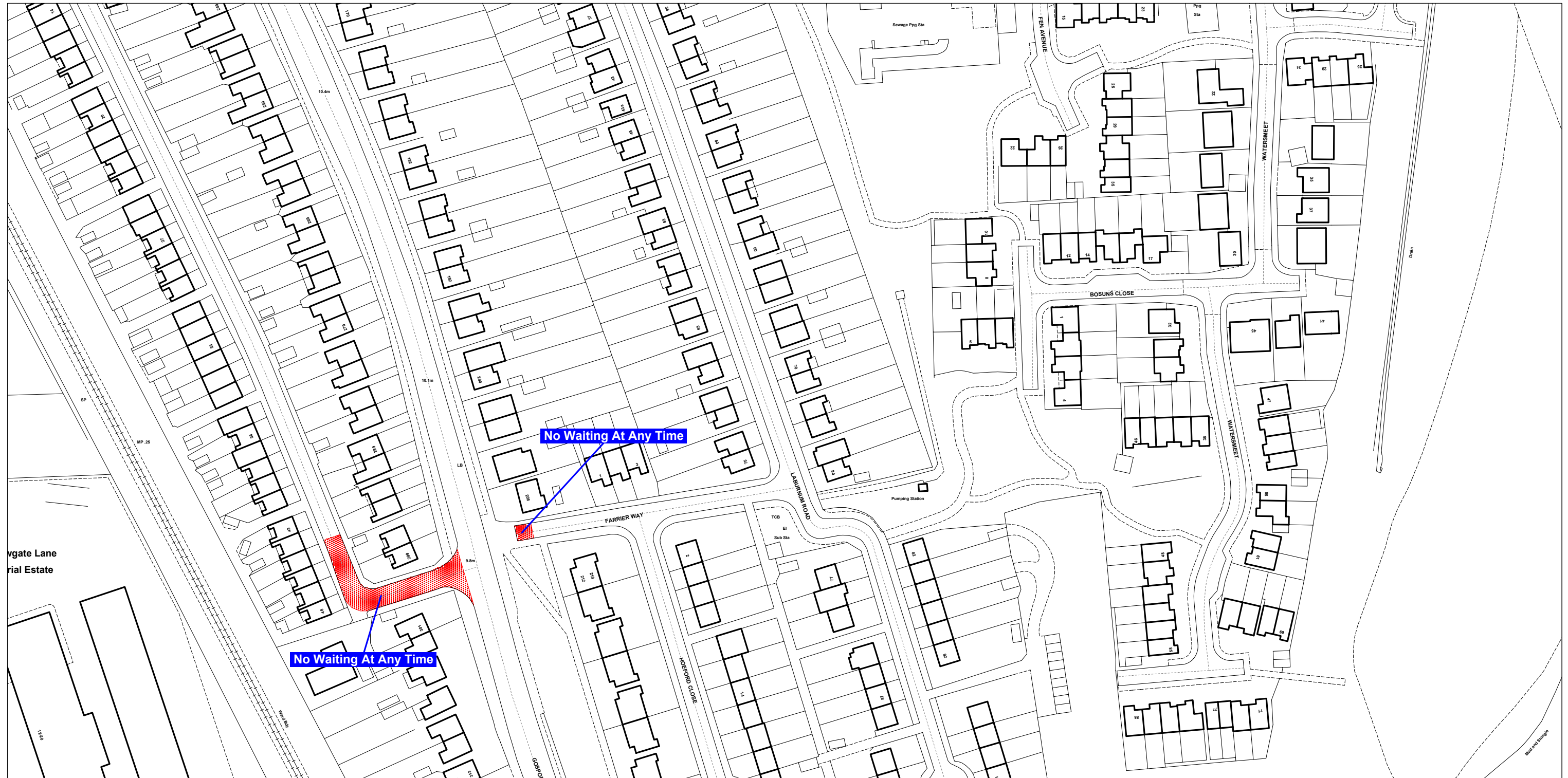
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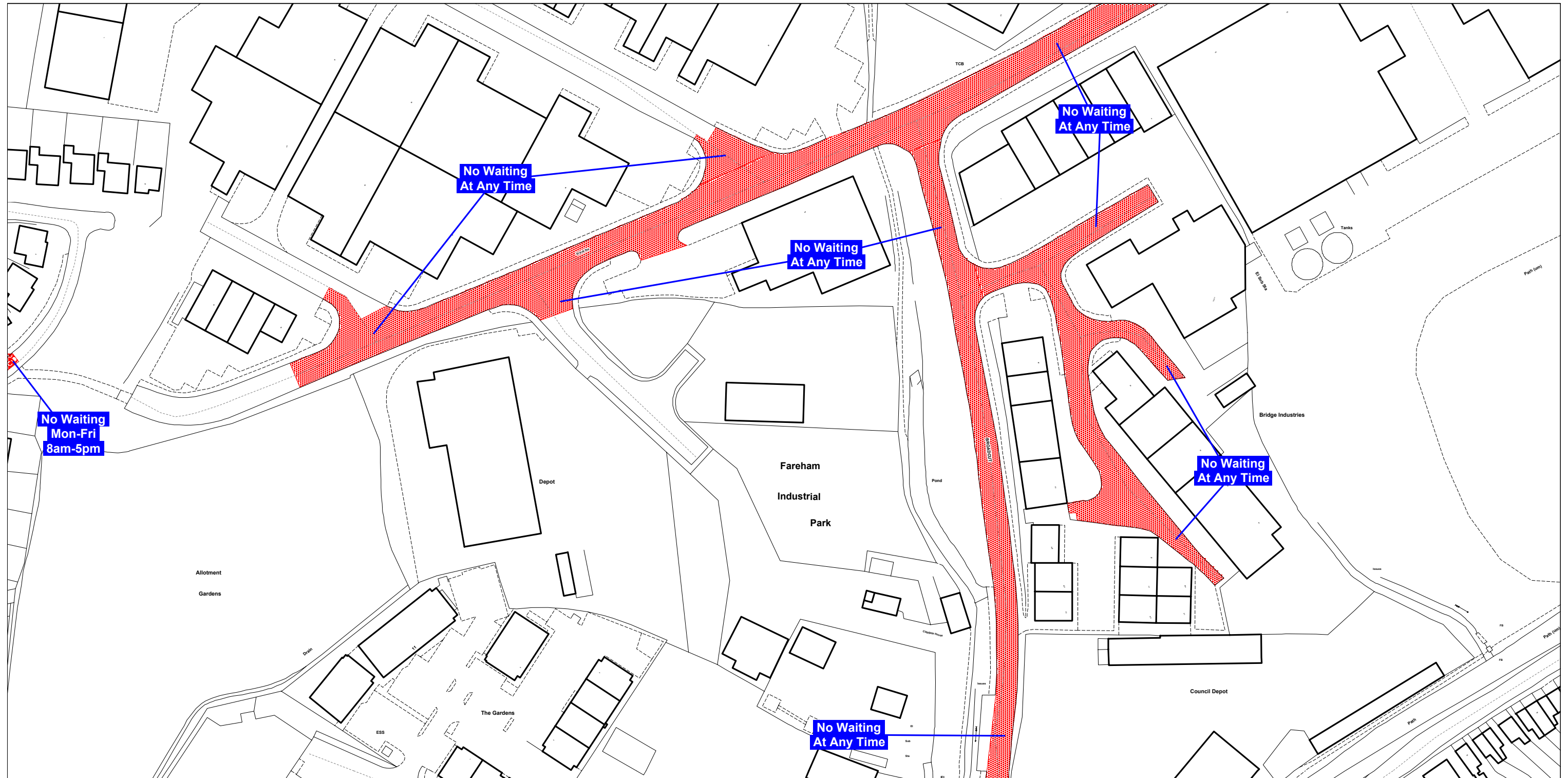
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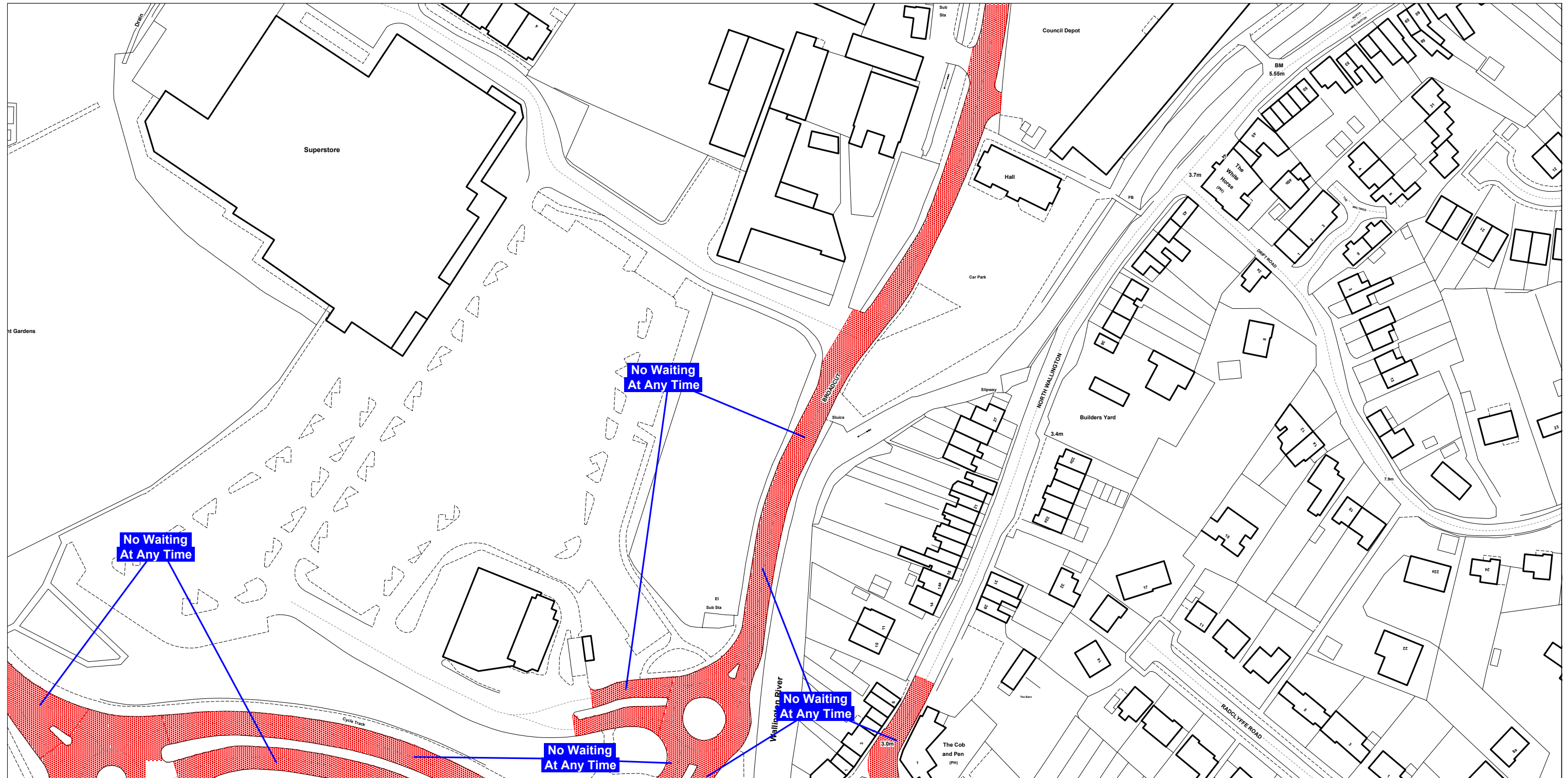
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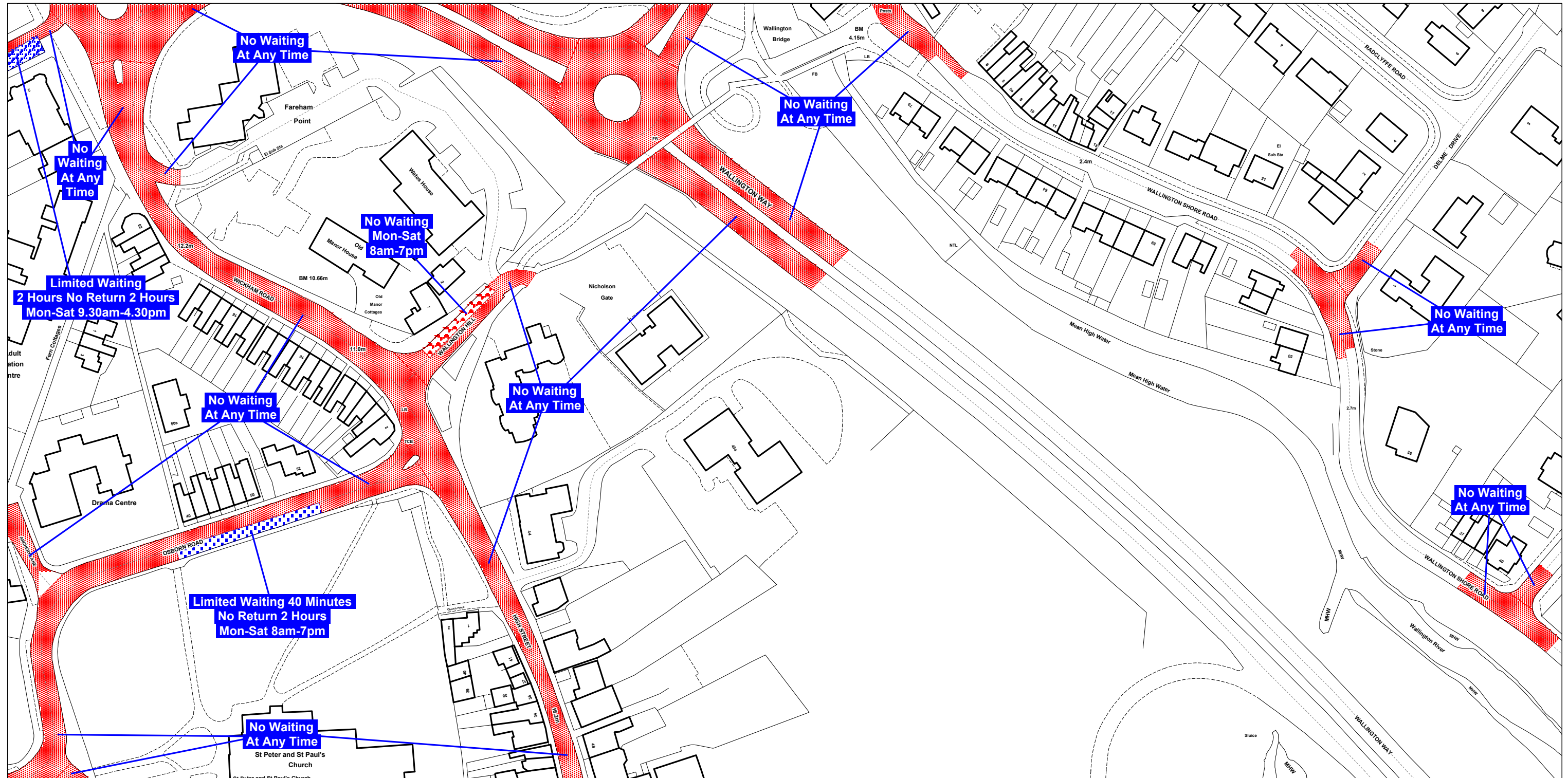
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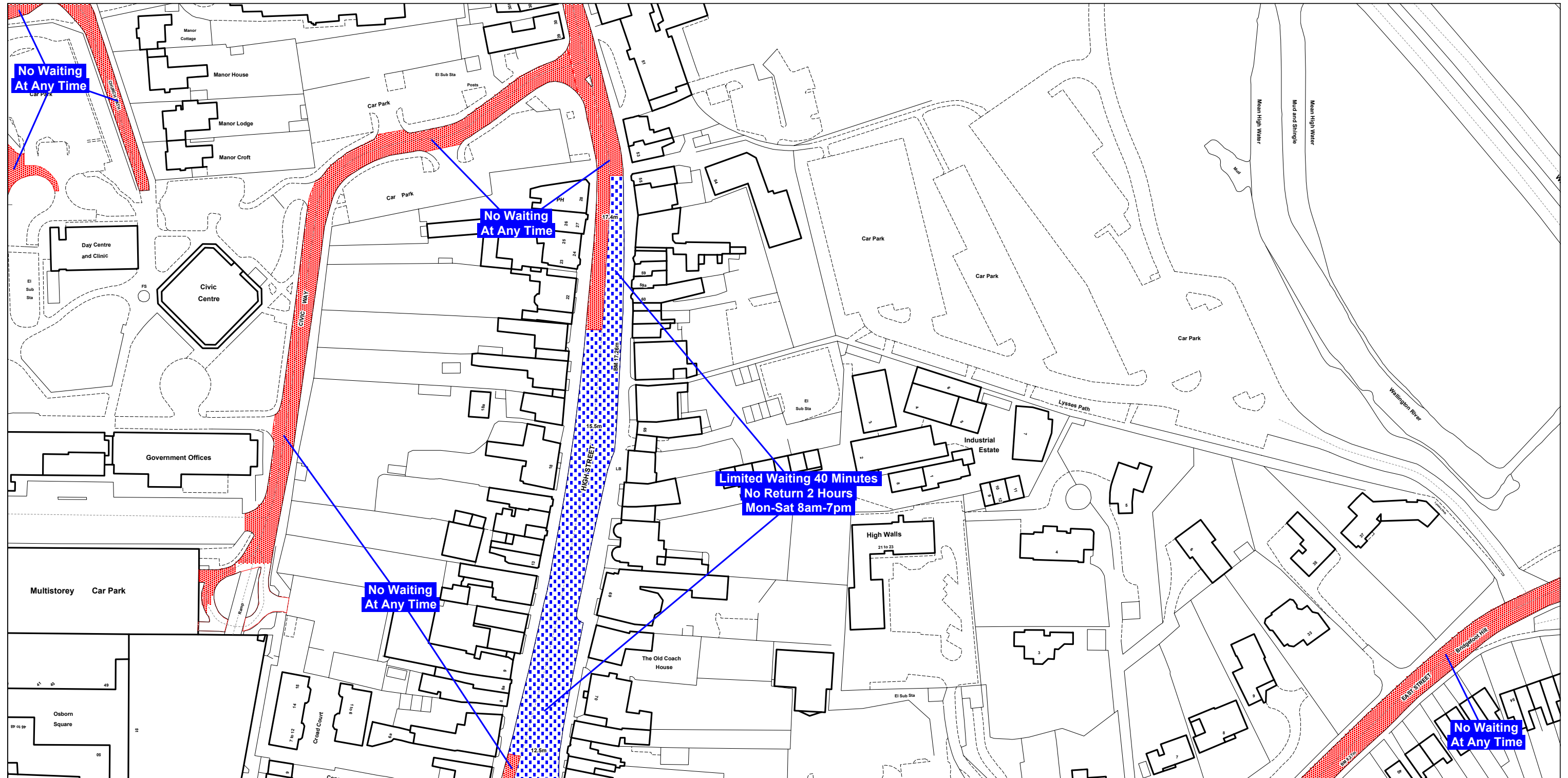
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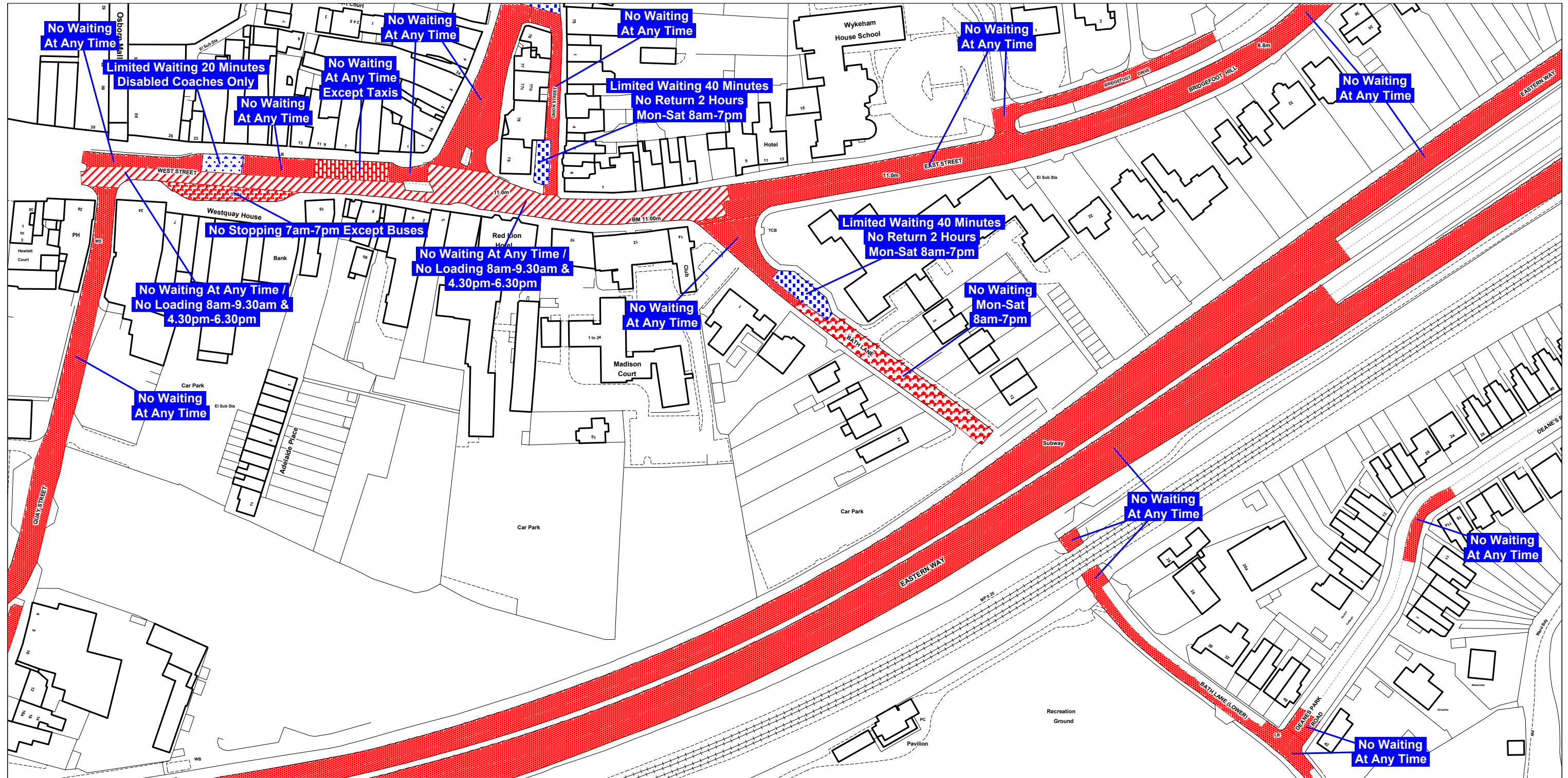


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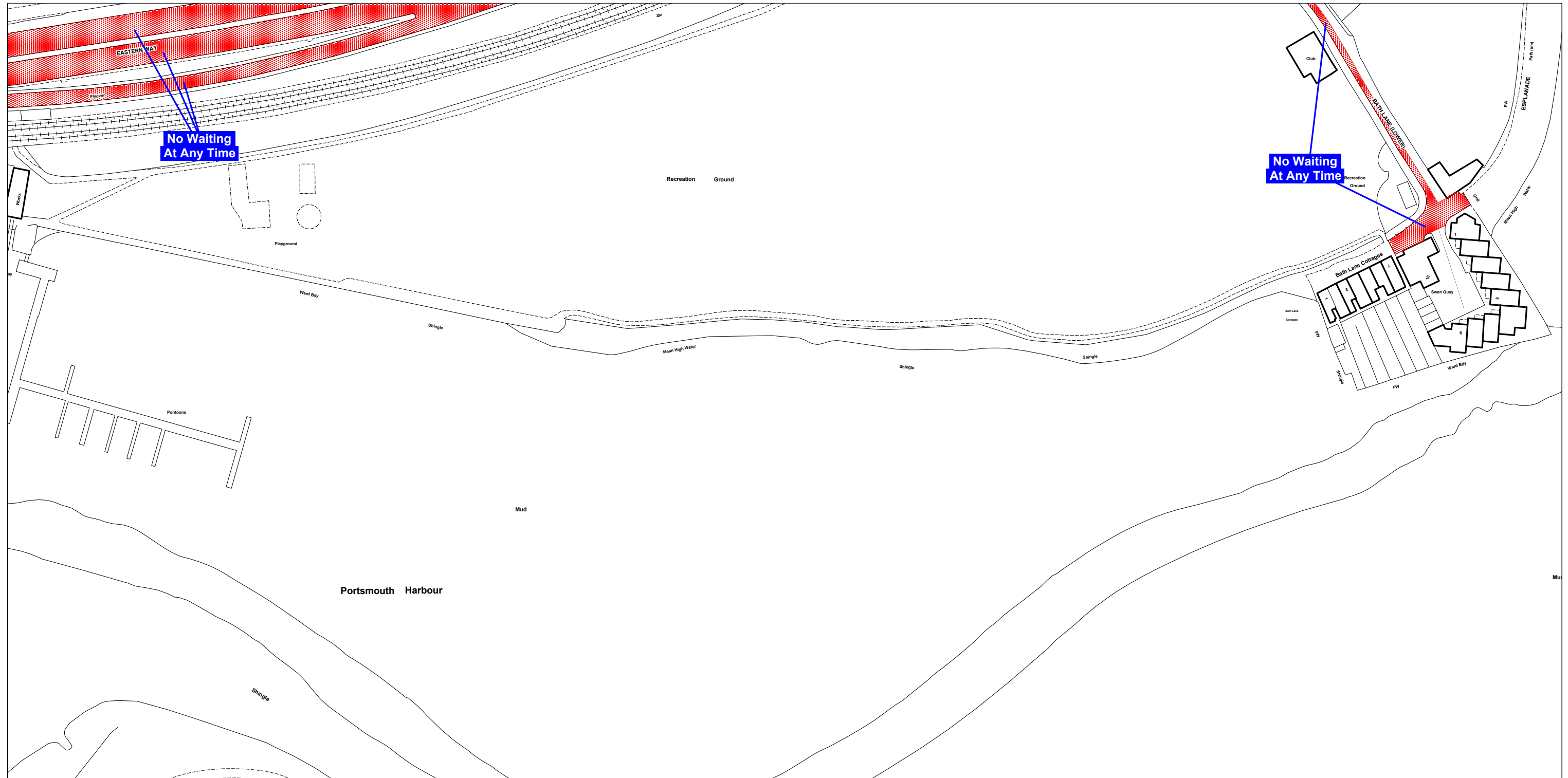
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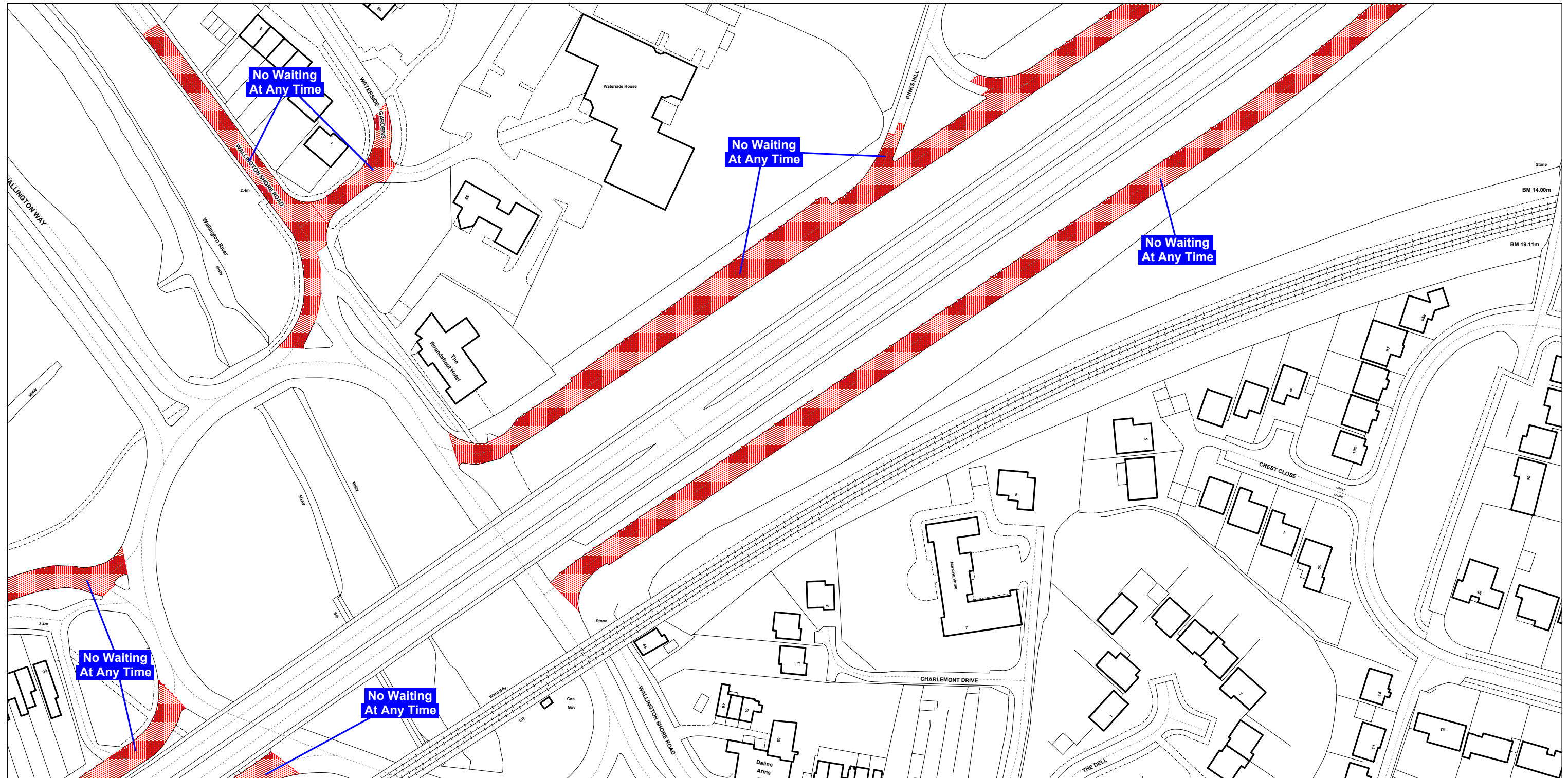
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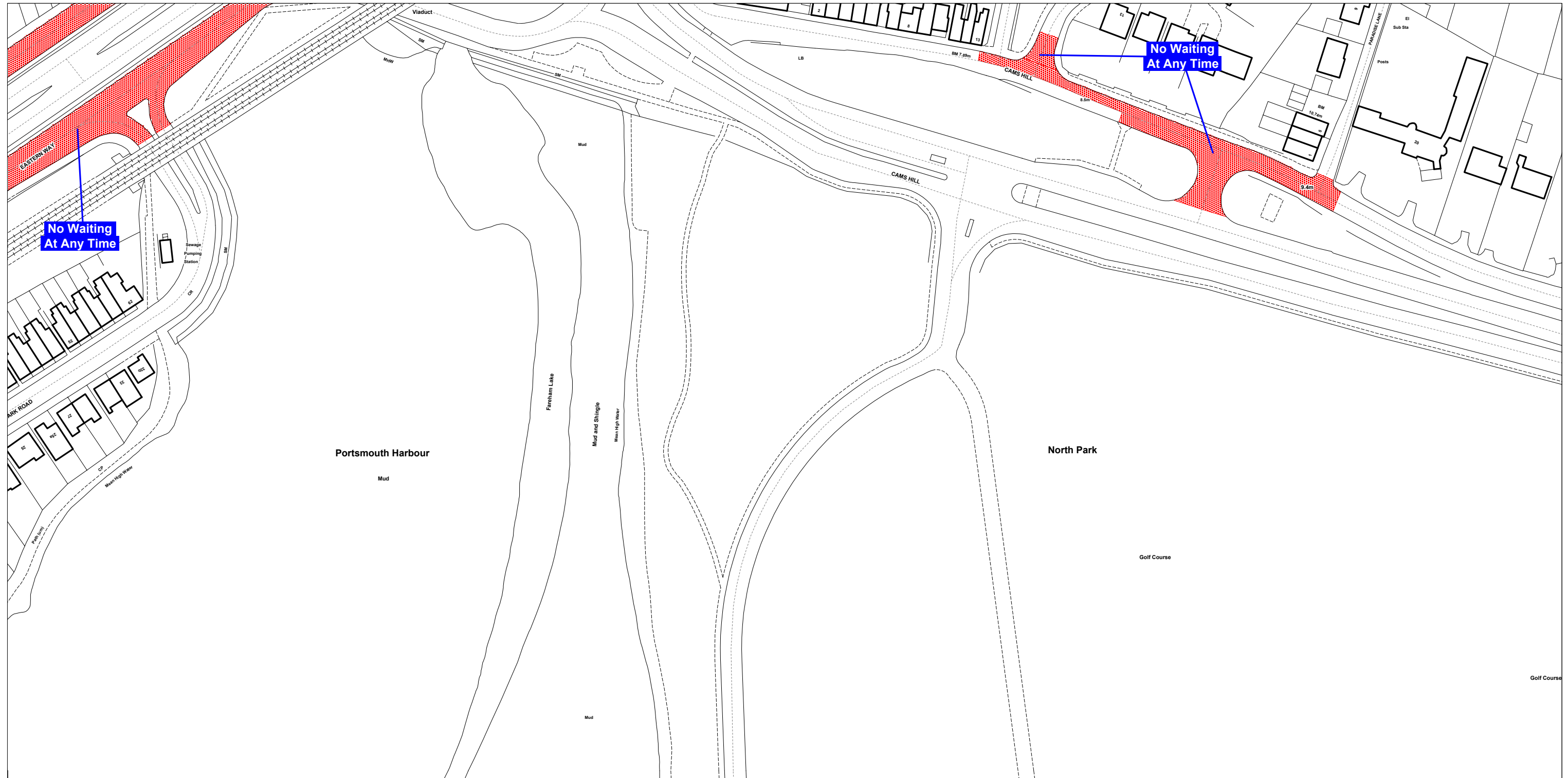
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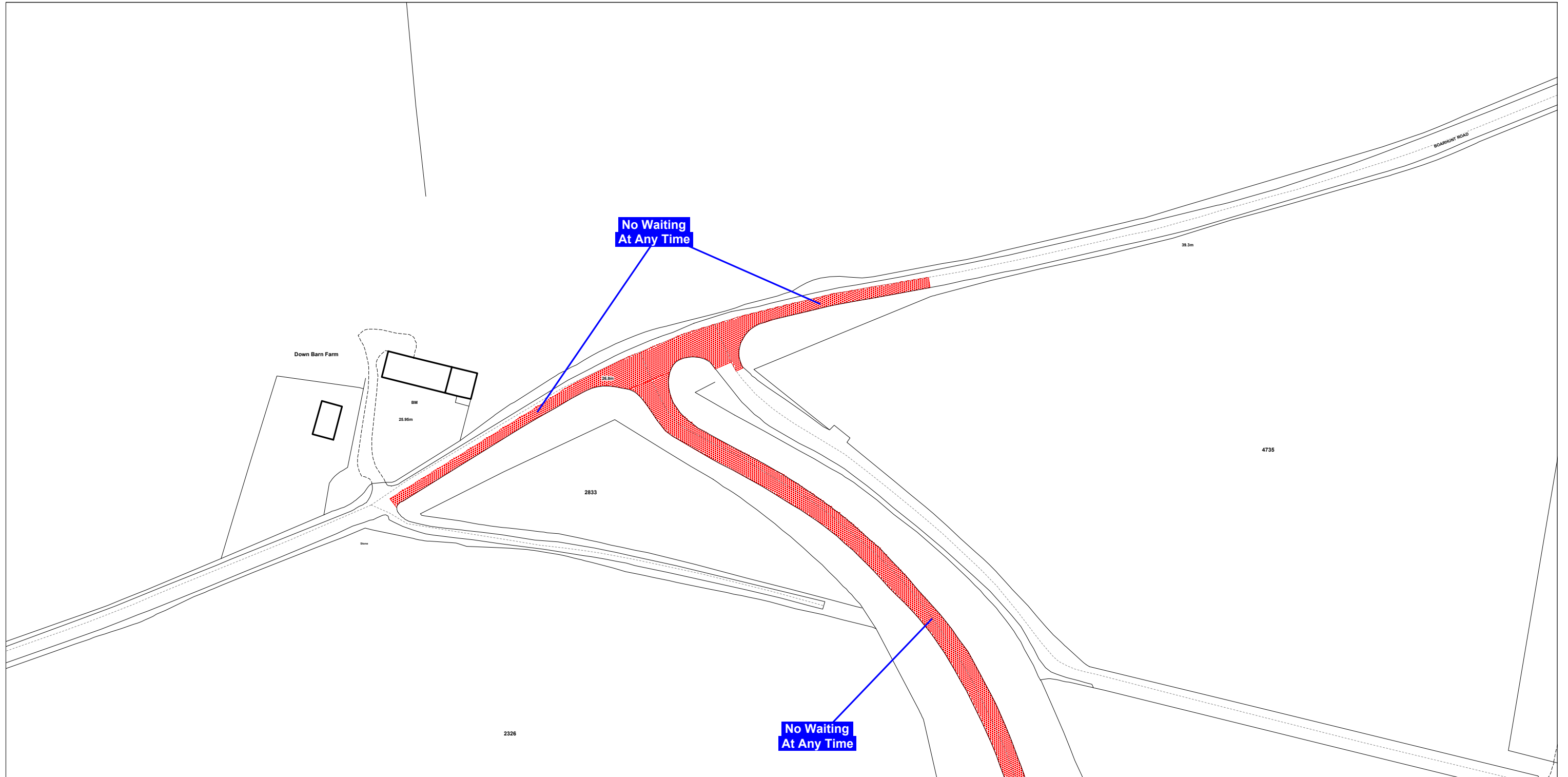
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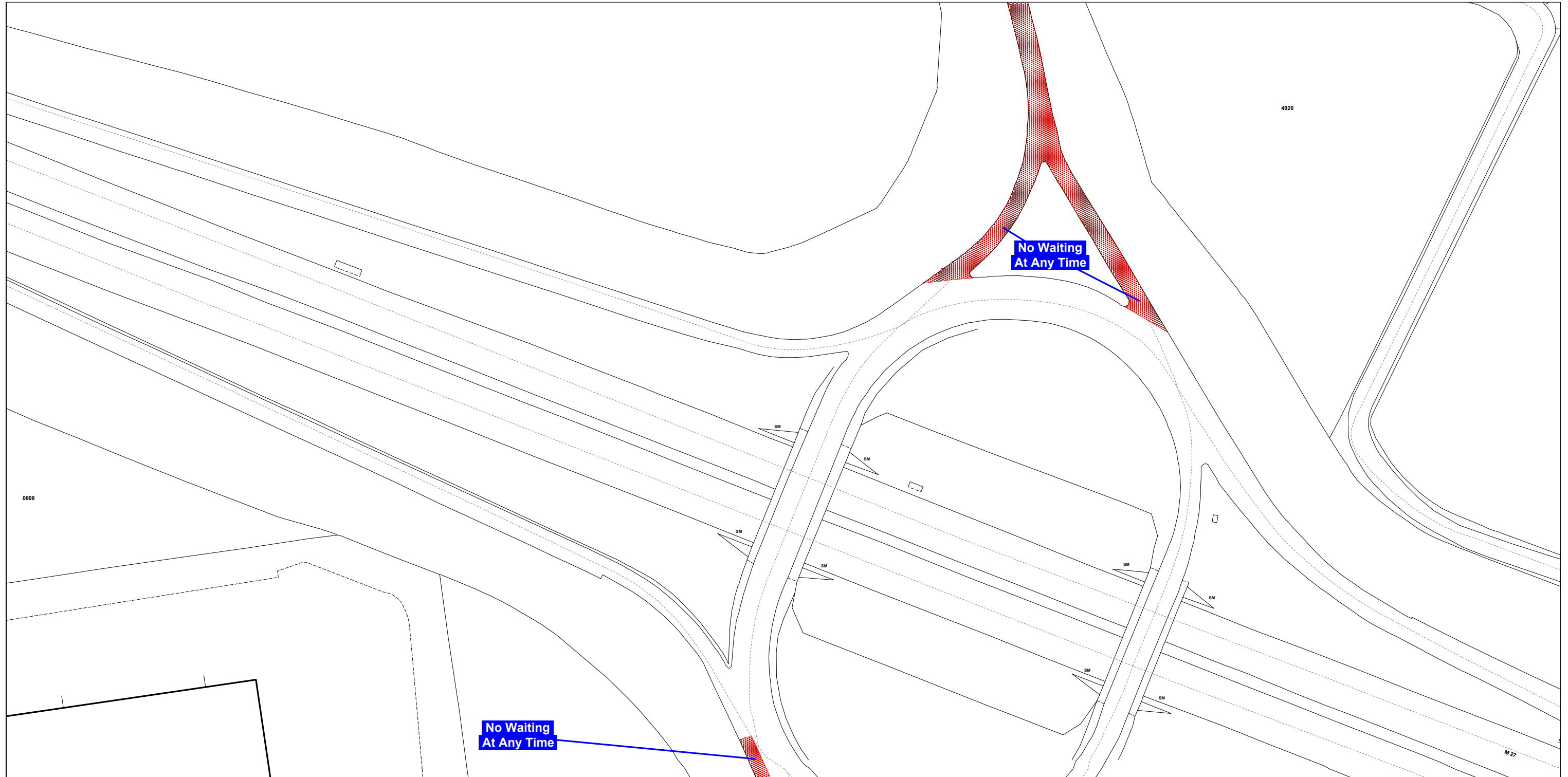
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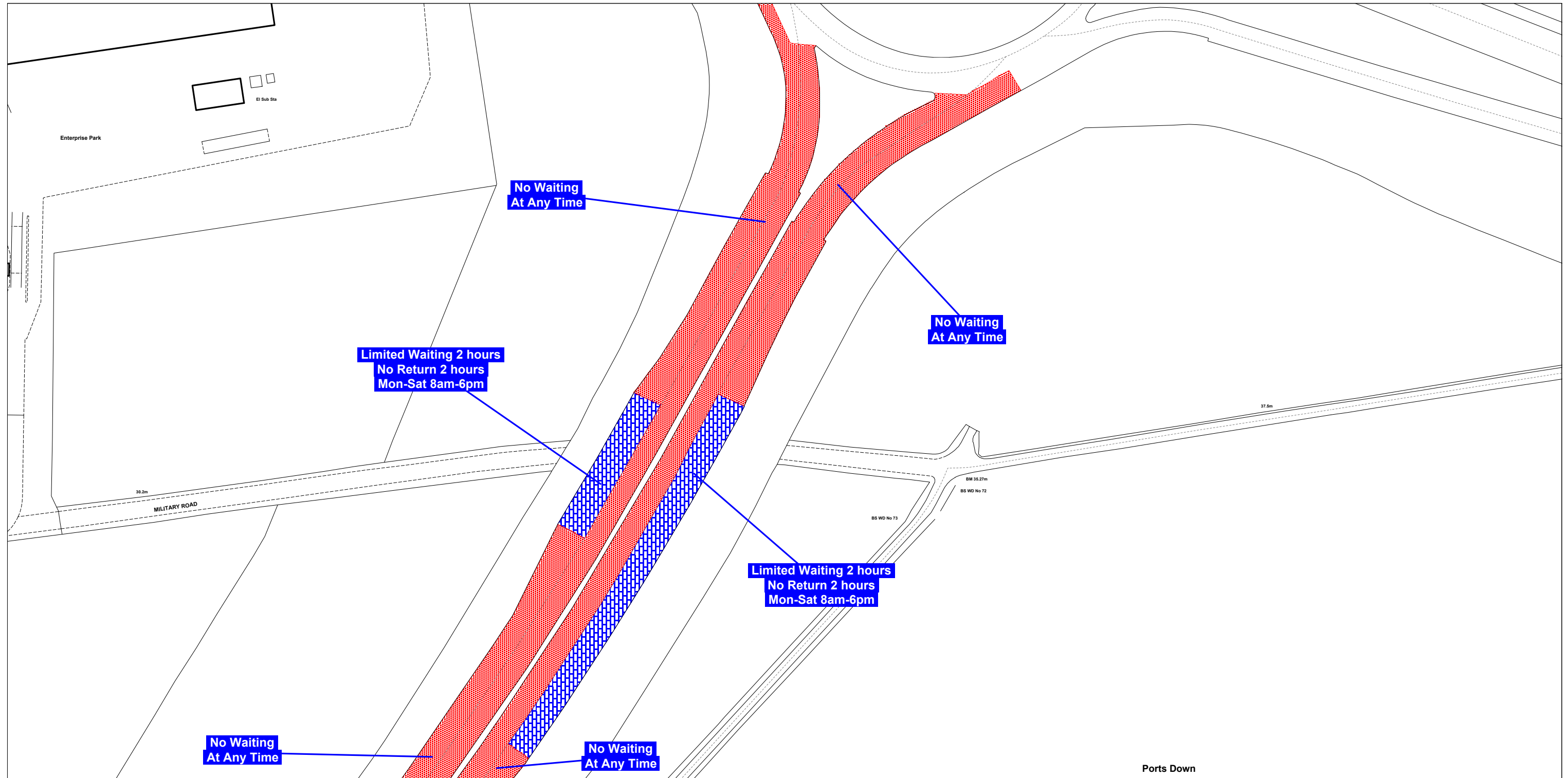


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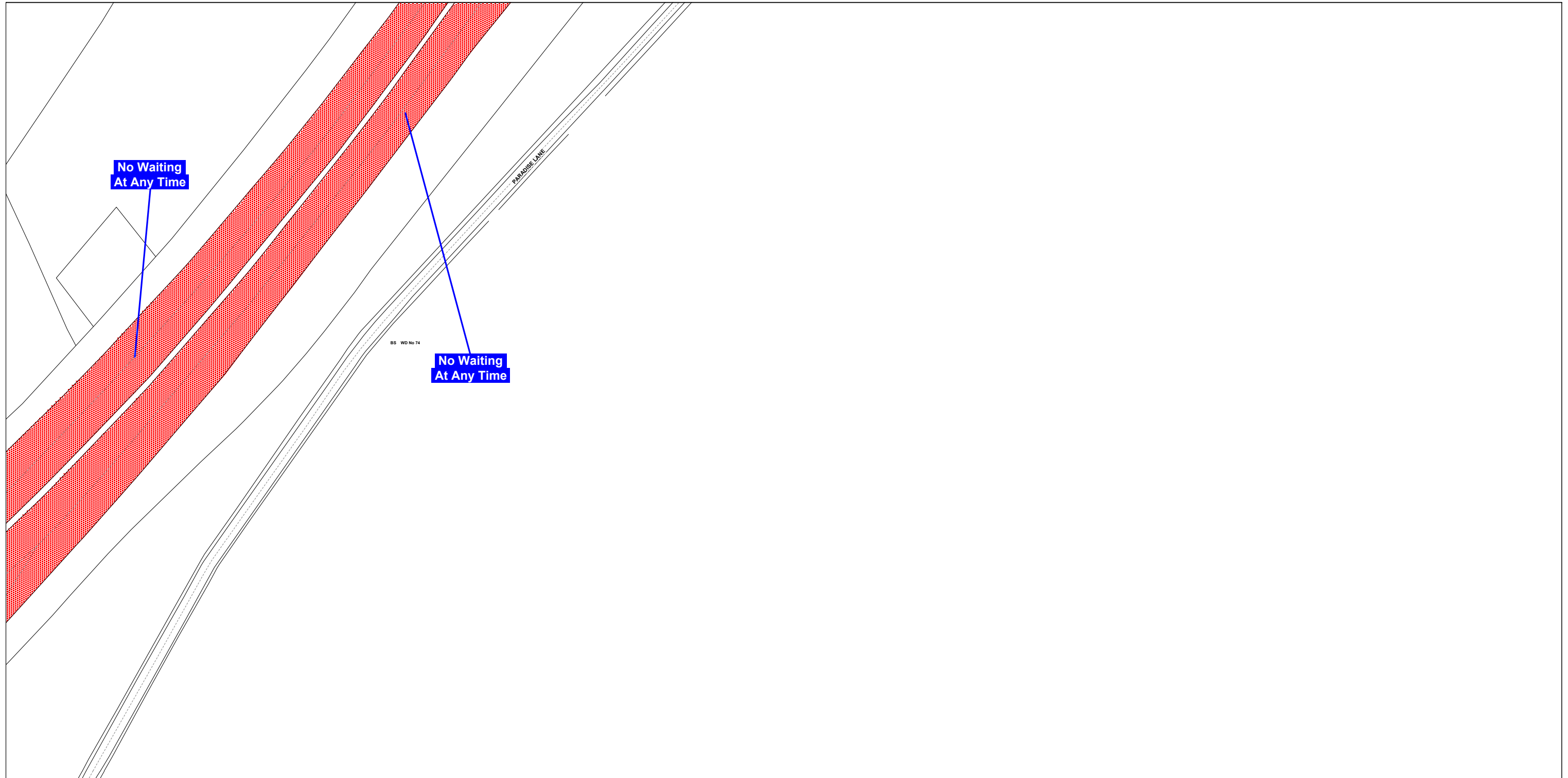
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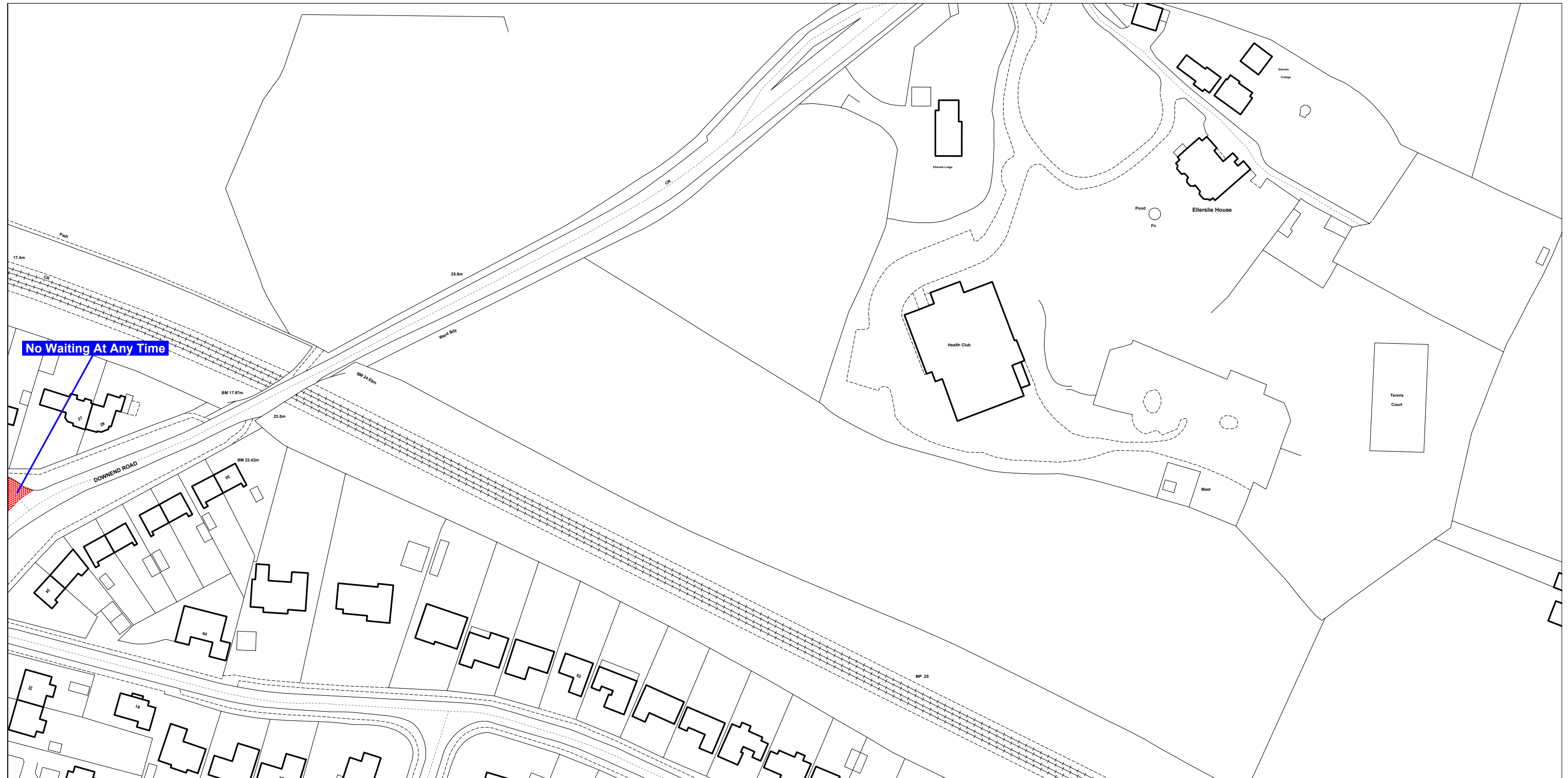
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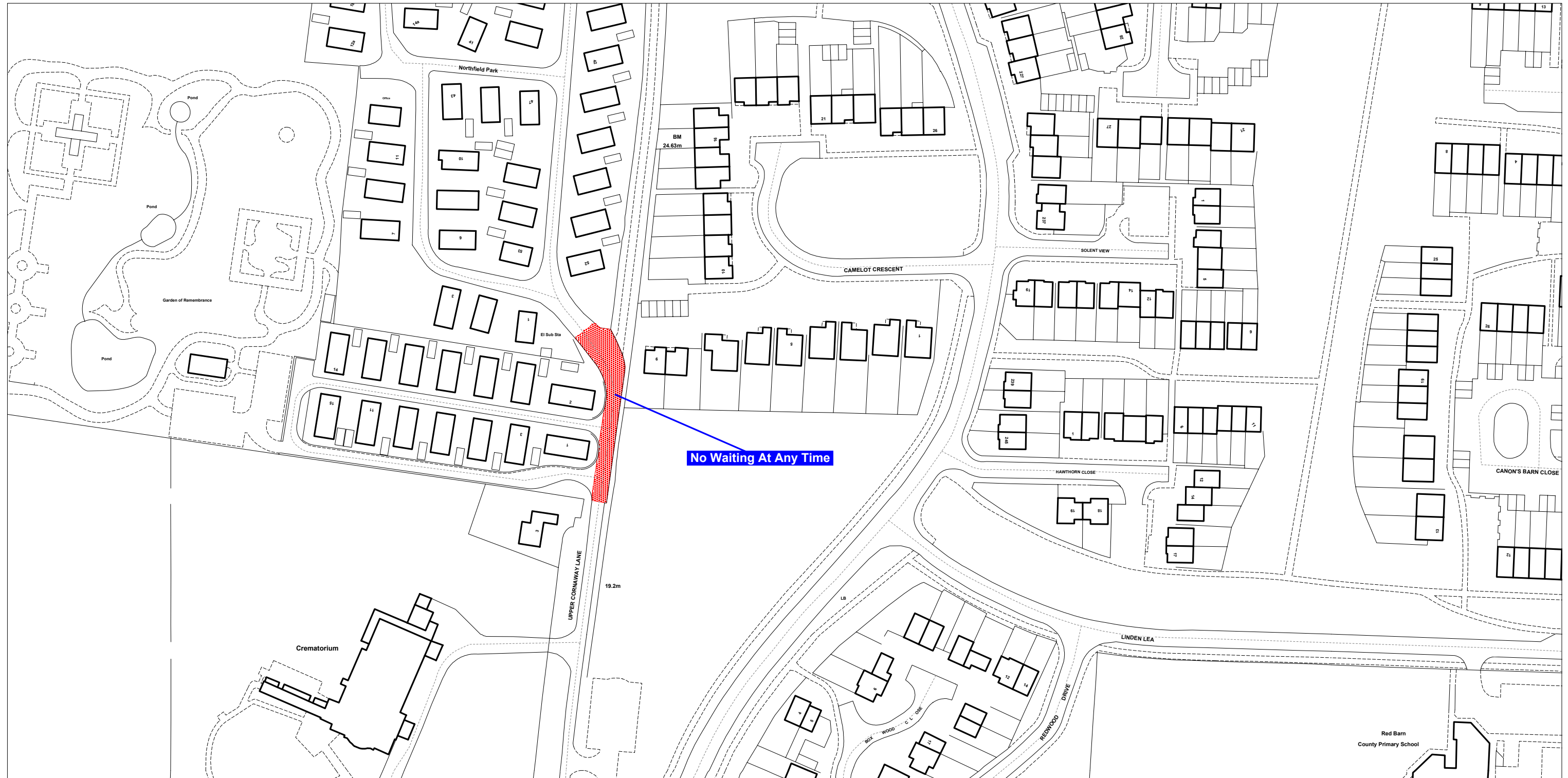
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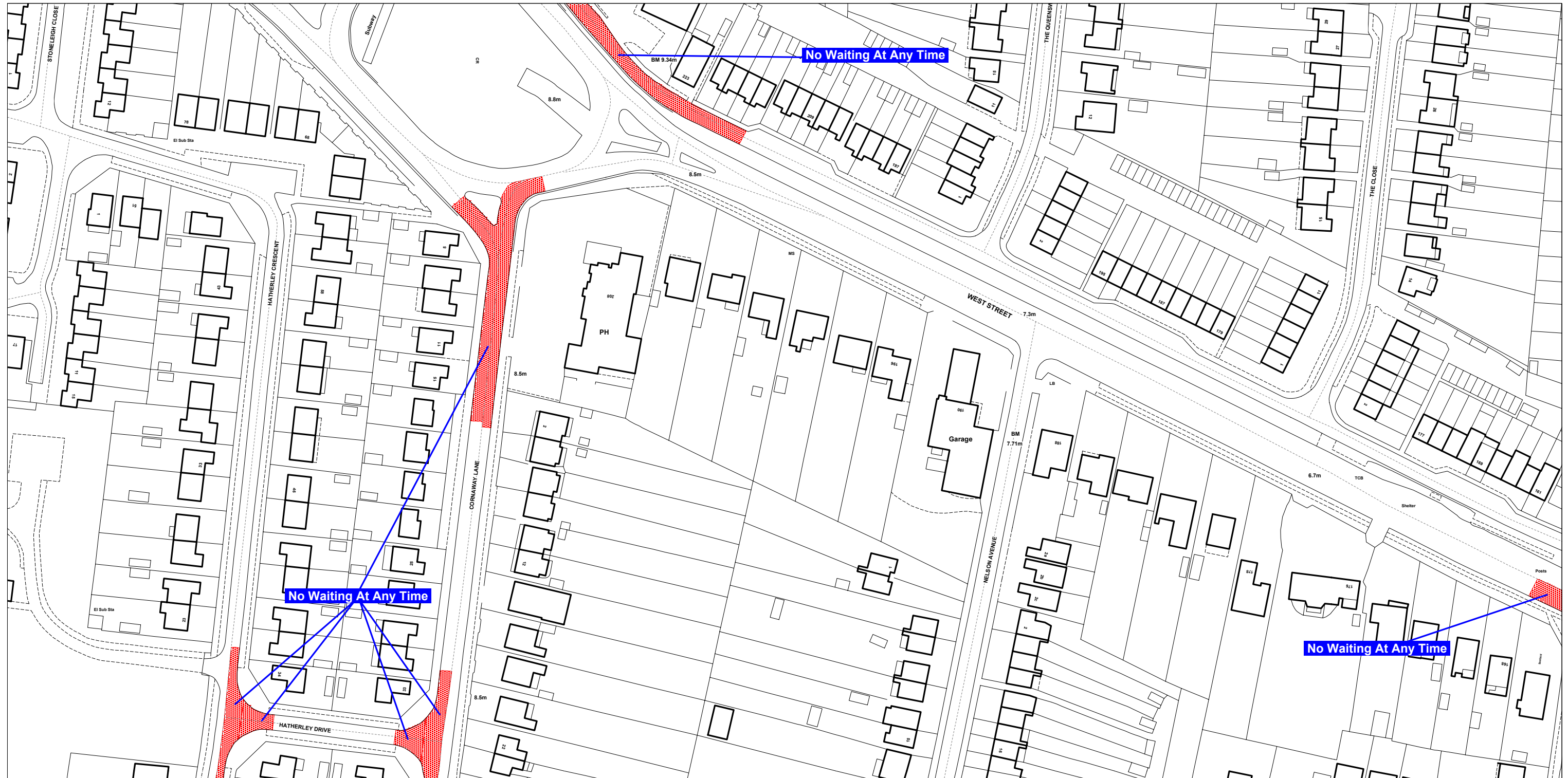
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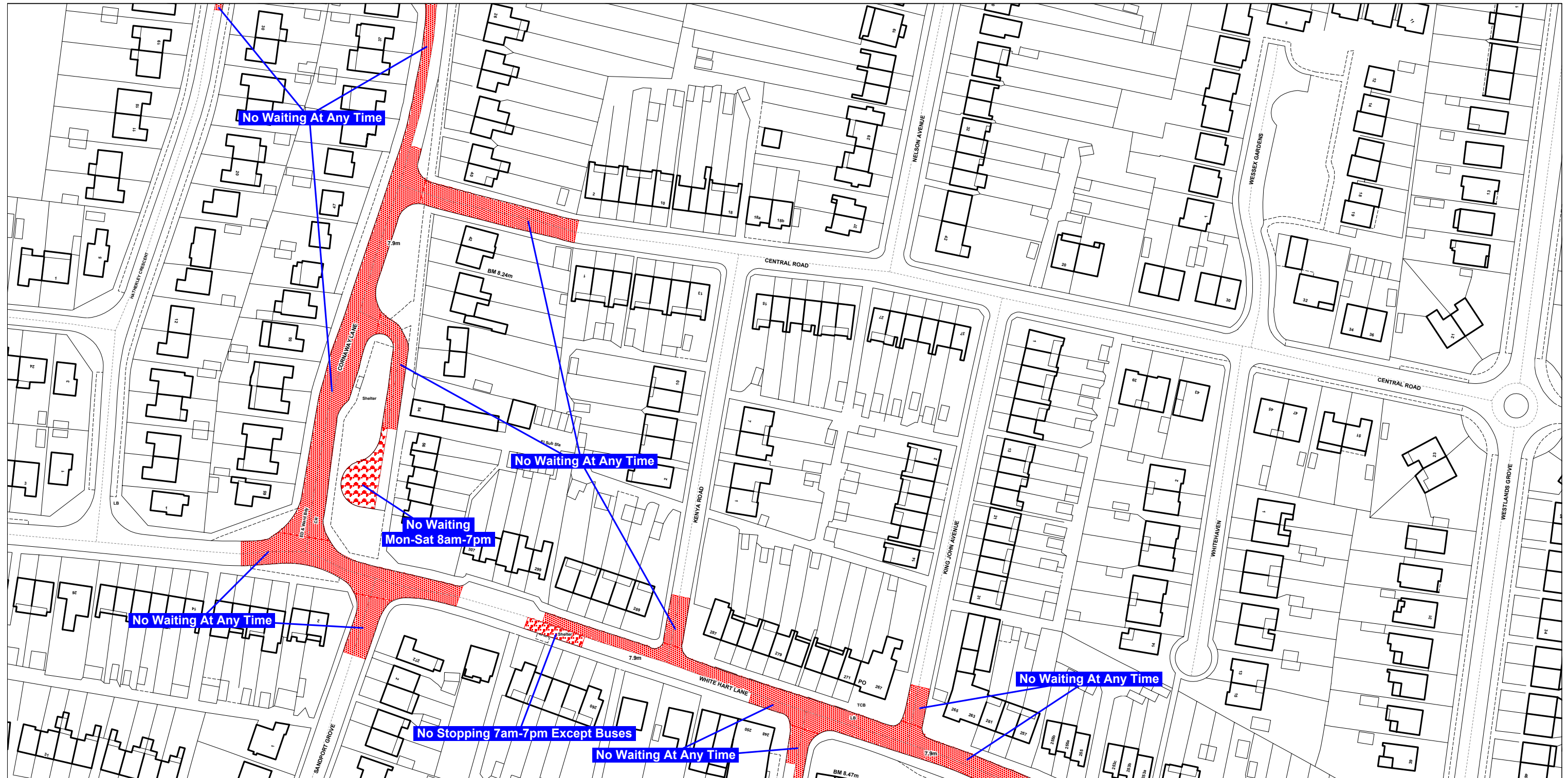
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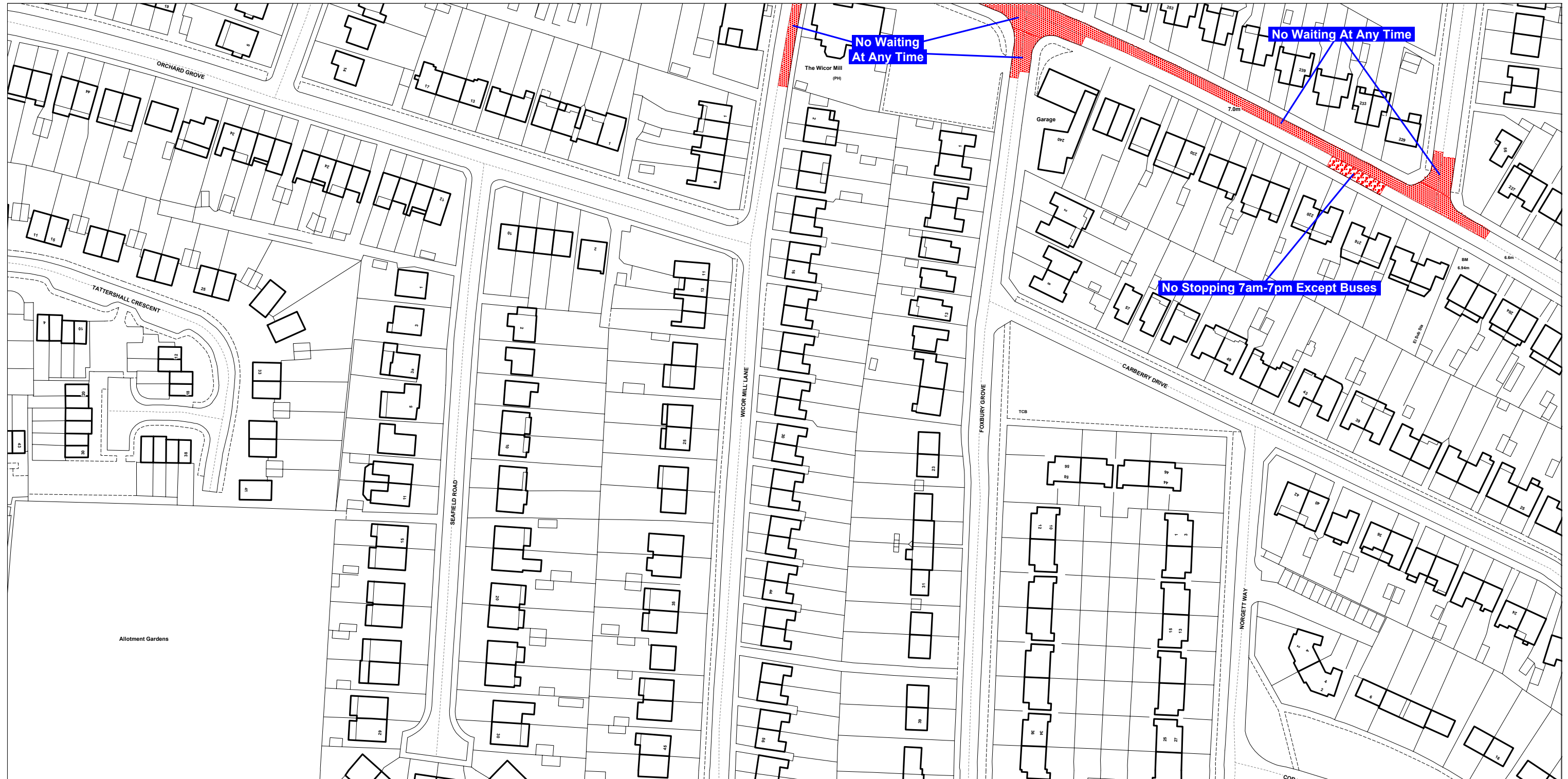


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