

THE BOROUGH OF HAVANT

THE BOROUGH OF HAVANT (ASTON ROAD, WATERLOOVILLE) PROHIBITION OF WAITING AND PROHIBITION OF DRIVING ORDER 2004

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

Part 1 - Prohibition of Waiting

- 1 Save as provided in Articles 2, 3 and 4 of this Order, no person shall, except upon the direction or with the permission of a Police Constable or Traffic Warden in uniform, cause or permit any vehicle to wait in the lengths of road specified in Schedule 1 to this Order at any time.
- 2 Nothing in Article 1 of this Order shall prevent any person from causing or permitting a vehicle to wait in the lengths of road referred to in the said Article for so long as may be necessary:
 - (a) to enable a person to board or alight from a vehicle;
 - (b) to enable goods to be loaded onto or unloaded from the vehicle;
 - (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any funeral, building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road so referred to or the laying, erection, alteration or repair in or near to the said roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in paragraph 1(1) of the Electronic Communications Code contained in Schedule 2 of the Telecommunications Act 1984;
 - (d) to enable a vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in that Act;

- (e) to enable a public service vehicle being used in the operation of a local service within the meaning ascribed by the Transport Act 1985 to wait at a stopping place marked and authorised by the Council for the purpose of (i) allowing a person to board or alight from the vehicle or to pay a fare (ii) the vehicle to wait, if it arrives at the stopping place in advance of the advertised time for a period not exceeding 15 minutes;
 - (f) to enable the vehicle to be used for emergency services purposes;
 - (g) to enable the vehicle to be placed in the service of a local authority or water authority in pursuance of statutory duties or powers.
- 3 Nothing in Article 1 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the lengths of road referred to in the said Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road).
- 4 Nothing in Article 1 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road specified in the said Article if the vehicle is a hackney carriage (as defined in the Vehicles (Excise) Act 1971) waiting on a duly authorised Hackney Carriage rank.

Part 2 – Prohibition of Driving

- 5 Save as provided in Article 6 of this Order no person shall cause any vehicle to proceed in the length of road specified in Schedule 2 to this Order, at any time.
- 6 Nothing in Article 5 of this Order shall prevent any person from causing or permitting a vehicle to proceed in the length of road referred to in the said Article.
- (a) where (and to such extent) necessary to enable the vehicle to be used in connection with:
 - (i) any building or demolition operation to premises adjoining the length of road specified in Schedule 2 to this Order;
 - (ii) the maintenance of the length of road specified in Schedule 2 to this Order;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal in or on the length of road specified in Schedule 2 to this Order of any sewer, main, pipe, conduit, wire, cable or other

apparatus for the supply of gas, water, electricity or electronic communications apparatus defined in Schedule 2 of the Telecommunications Act 1984;

- (iv) the service of a local authority or water authority in pursuance of statutory powers or duties.
- (b) where a vehicle is being used for emergency services purposes;
- (c) where the vehicle is a pedal cycle.

Part 3 – Interpretation, Commencement and Repeals

- 7 Nothing in the foregoing Articles of this Order shall authorise the use of any part of the lengths of road specified in the Schedules hereto so as unreasonably to prevent access to any premises adjoining the roads by any person entitled to the use thereof, or so as to be a nuisance.
- 8 The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
- 9 The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.
- 10 The restrictions and prohibitions imposed by Articles 1 and 5 of this Order are for identification purposes only illustrated and shown annotated on plan Hi12/185 annexed hereto.
- 11 This Order shall come into operation on 15 March 2006 and may be cited as "The Borough of Havant (Aston Road, Waterloooville) Prohibition of Waiting and Driving Order 2004".

Part 4 – Revocations

- 12 The following Order is hereby revoked to the extent specified hereunder:

<u>Title of Order</u>	<u>Extent</u>
The Borough of Havant (Aston Road and Hambledon Road (Western Vestigial Spur), Waterloooville), Prohibition of Waiting Order 1994	Insofar only as it refers in the Schedule to "(a) <u>Aston Road, Waterloooville</u> ". (i) "On the north-western side from its junction with Jubilee Road, a distance of 99 metres in a south-westerly and then north-westerly direction; and from a point 162 metres from the junction with Jubilee Road, measured along

the same kerbline, in a north-westerly direction to a point outside the boundary between numbers 34f and 35g Aston Road".

SCHEDULE 1

Lengths of road wherein waiting is to be prohibited 24 hours per day, 7 days per week throughout the year

Aston Road, Waterlooville

- (a) On the south-eastern side from a point 13 metres south-west from its junction with Jubilee Road, south-westwards for a distance of 49.5 metres (including the road closure point).
- (b) On the north-western side from its junction with Jubilee Road, a distance of 99 metres in a south-westerly (including the road closure point) and then north-westerly direction; and from a point 162 metres from the junction with Jubilee Road, measured along the same kerbline, in a north-westerly direction to a point outside the boundary between numbers 34f and 34g Aston Road.

SCHEDULE 2

Lengths of road wherein driving is to be prohibited 24 hours per day, 7 days per week throughout the year

Aston Road, Waterlooville

The length of road (comprising the whole width of the carriageway), 2 metres in length, measured south-westwards from a point 15 metres south-west from its junction with Jubilee road.

THE COMMON SEAL OF THE
COUNCIL OF THE BOROUGH
OF HAVANT was hereunto affixed
this 9th day of March
2006 in the presence of:

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Solicitor to the Council

Civic Offices
HAVANT
Hampshire PO9 2AX

Statement of Reasons

The Council's precise reasons for making the Order (following development in the area entailing alterations to the local highway network) are as follows:-

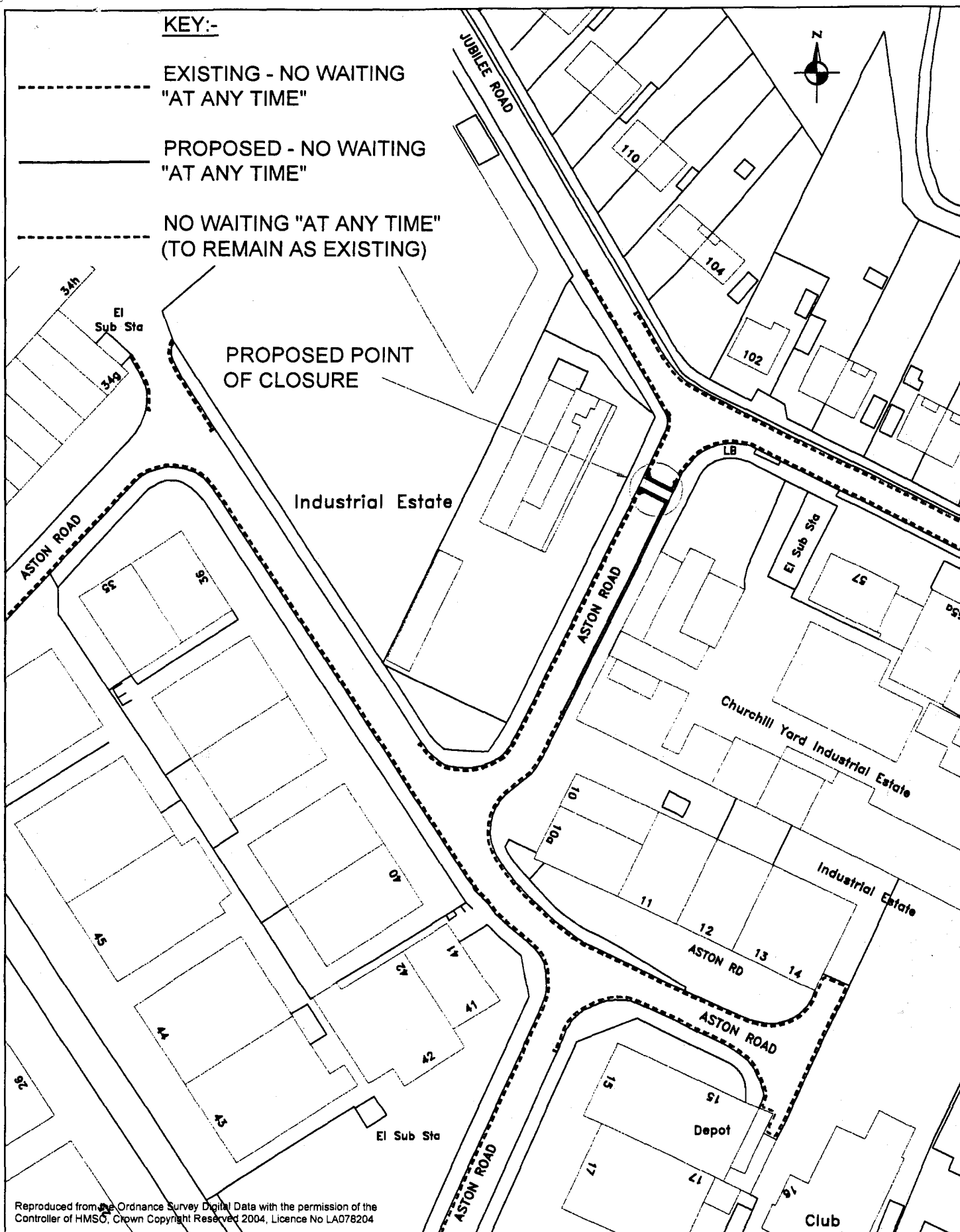
- (a) To facilitate the passage on the road or any other road of any class of traffic (including pedestrians).
- (b) To avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

KEY:-

EXISTING - NO WAITING
"AT ANY TIME"

PROPOSED - NO WAITING
"AT ANY TIME"

NO WAITING "AT ANY TIME"
(TO REMAIN AS EXISTING)



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TITLE

**PROPOSED ROAD CLOSURE
AND WAITING RESTRICTIONS
ASTON ROAD, WATERLOOVILLE**

Drawn By:	BJR
Scale:	1:1000
Drawing No.:	HI12/185
Date:	JAN 2004
Dir. Name:	HWAYS/WATERLOO
Cad Name:	HI12-185