

# THE BOROUGH OF HAVANT

## THE BOROUGH OF HAVANT (VARIOUS ROADS, PURBROOK) PROHIBITION OF WAITING 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 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 listed in the Schedule 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 communication 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 road referred to in the said Articles 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 that Article if the vehicle is a hackney carriage (as defined in the Vehicles (Excise) Act 1971) waiting on a duly authorised Hackney Carriage rank.
5. Nothing in the foregoing Articles of this Order shall authorise the use of any part of the lengths of road specified in the Schedule so as unreasonably to prevent access to any premises adjoining the road by any person entitled to the use thereof, or so as to be a nuisance.

## **Part 2 - Interpretation, Commencement and Repeals**

6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
7. 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.
8. The prohibitions imposed by Article 1 of this Order are for identification purposes only illustrated and shown annotated on drawing number Hi 12/196 attached hereto.
9. This Order shall come into operation on 31 May 2005 and may be cited as "The Borough of Havant (Various Roads, Purbrook) Prohibition of Waiting Order 2004".

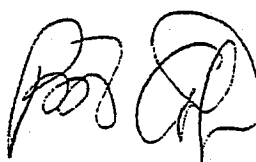
## **Part 3 - Contraventions**

10. If a vehicle is left without complying with the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by the Road Traffic Act 1991 may then be issued by a Parking Attendant in accordance with the requirements of the Road Traffic Act 1991.
11. (i) In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of a Parking Attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:
- (a) the grounds on which the Parking Attendant believes that a penalty charge is payable with respect to the vehicle;
  - (b) the amount of the penalty charge which is payable;



- (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the Notice;
  - (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 charge will be reduced by one half;
  - (e) that if the penalty charge is not paid before the end of the 28 day period a Notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
  - (f) the address to which payment of the penalty charge must be sent.
- (ii) A Penalty Charge Notice fixed to a vehicle in accordance with this Article shall not be removed or interfered with except by or under the authority of :
- (a) the owner, or person in charge, of the vehicle; or
  - (b) the Council.
12. Where a Notice has been attached to a vehicle in accordance with the provisions of Article 9, no person who is not a Parking Attendant or some other person duly authorised by the Council shall remove the Notice from the vehicle until the vehicle has been removed from the length of road or the parking place where the contravention occurred.
13. (i) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the Penalty Charge Notice.
- (ii) 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 one half.
- (iii) If the period of 28 days for payment of the penalty charge has expired without that charge being paid the Council may serve a notice ("a notice to owner") on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred and the notice to owner so served shall state the matters required to be stated therein by or under the Road Traffic Act 1991.

THE COMMON SEAL of THE  
COUNCIL OF THE BOROUGH  
OF HAVANT was hereunto  
affixed this 27<sup>th</sup> day of May  
2005 in the presence of:



Solicitor to the Council

Civic Offices  
HAVANT  
Hampshire PO9 2AX

## **SCHEDULE**

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

#### **Aldermoor Road East**

On the north-west side, from its junction with Kentidge Road, north-eastwards for a distance of 47 metres.

#### **Alsford Road**

On the north-east side, from its junction with Aldermoor Road, north-westwards for a distance of 52 metres.

On the south-west side, from its junction with Aldermoor Road, north-westwards for a distance of 20 metres.

#### **Bursledon Road**

On the south-east side, from its junction with Kentidge Road, north-eastwards for a distance of 10 metres.

#### **Kentidge Road**

On the north-east side, from its junction with Aldermoor Road East, north-westwards to its junction with Bursledon Road.

## **Statement of Reasons**

The Council's precise reason for making the Order is as follows:

To facilitate the passage on the road of any class of vehicles and pedestrians.



KEY:-

EXISTING 'No Waiting, Mon - Fri, 8:30 - 9:30am & 2:30 - 4:00pm'

PROPOSED 'No Waiting at any time'



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TITLE

PROPOSED WAITING RESTRICTIONS  
ALDERMOOR ROAD EAST, ALSFORD ROAD  
BURSLEDON ROAD AND KENTIDGE ROAD PURBROOK

Drawn By: BJR  
Scale: 1:1250  
Drawing No.: HI12/196  
Date: JUL 2004  
Dr. Name: HWAYSWATERLOO  
Cad Name: HI12-196