

29/07/05
THE BOROUGH OF HAVANT

**THE BOROUGH OF HAVANT (LAVANT DRIVE,
RUSSELL ROAD, HAVANT FARM CLOSE,
LEIGH ROAD, LAKESIDE GARDENS, HAVANT)
PROHIBITION AND RESTRICTION OF WAITING ORDER 2005**

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 and Restriction 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:
 - (a) in the lengths of road specified in Schedule 1 to this Order at any time;
 - (b) in the lengths of road specified in Schedule 2 to this Order during the period from 8.00 am to 6.00 pm Monday to Saturday inclusive throughout the year.

- 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 - Interpretation, Commencement and Repeals

- 5 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.
- 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 restrictions and prohibitions imposed by Article 1 of this Order are for identification purposes only illustrated and shown annotated on plan Hi12/194 annexed hereto.
- 9 This Order shall come into operation on 31 July 2005 and may be cited as "The Borough of Havant (Lavant Drive, Russell Road, Havant Farm Close, Leigh Road, Lakeside Gardens, Havant) Prohibition and Restriction of Waiting Order 2005".

Part 3 - Revocations

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

<u>Title of Order</u>	<u>Extent</u>
The Borough of Havant (Leigh Road, Havant), Prohibition of Waiting, Restriction of Waiting and Street Parking Places Order 1994.	Schedule 2 in its entirety.

Part 4 – Contraventions: Prohibition of Waiting

- 11 If a vehicle is left without complying with the prohibition in Article 1 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.
- 12 (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.
- 13 Where a Notice has been attached to a vehicle in accordance with the provisions of Article 12, 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.
- 14 (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.

SCHEDULE 1

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

1. Leigh Road
- (a) East Side
 - (i) From its junction with Eastern Road northwards to its northern termination point including the hammerhead at its northern end.
 - (b) West Side
 - (i) From its junction with Elmleigh Road northwards to its northern termination point.

- (c) Northern Closure Point
 - (i) Across its northern end.
- 2. Lavant Drive
 - (a) North and South Sides
 - (i) Throughout its entire length.
- 3. Lakeside Gardens
 - (a) East Side

From its junction with Lavant Drive, southwards for a distance of 78 metres.
 - (b) West Side

From its junction with Lavant Drive, southwards for a distance of 69 metres.

SCHEDULE 2

Lengths of street wherein waiting is to be prohibited 8.00 am to 6.00 pm, Monday to Saturday inclusive, throughout the year

- 1. Russell Road
 - (a) South Side
 - (i) From its junction with Leigh Road westwards to its western end.
 - (b) North Side
 - (i) From its junction with Leigh Road westwards to the eastern side of its junction with Havant Farm Close.
- 2. Havant Farm Close
 - (a) East and South Side
 - (i) From its junction with Russell Road northwards and northeastwards for a total distance of 83 metres.

3. Leigh Road

(a) East Side

- (i) From a point 13 metres north of its southern termination point northwards to its junction with Eastern Road.

(b) West Side

- (i) From its southern termination point northwards to its junction with Elmleigh Road.

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;
- (c) to avoid an increase in parking in surrounding roads following the opening of the Community Hospital (Children's Services), Oak Park, Havant.

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH)
OF HAVANT was hereunto)
affixed this 29th day of July)
2005 in the presence of:)



Solicitor to the Council

Civic Offices
HAVANT
Hampshire PO9 2AX



- KEY:**
- PROPOSED**
 - WAITING PROHIBITED from 6pm Mon - Sat
 - NO WAITING AT ANY TIME
 - EXISTING**
 - PARKING SPACES (North side Havant Station)
 - ACCESS PROTECTION LINE

REV	DESCRIPTION	DATE	BY
B	ROAD CLOSURE REVISED AS PER BECT MINUTE SCORES	10/06/04	BJR
A	REV OF TITLE & LIVING PLANS FROM C.I.S. END TECH 07	07/04/04	BJR
REV	DESCRIPTION	DATE	BY

DRAWN BY	BJR	DWG NO.	HT/2194
DATE	JUL 2004	DWG NAME	HANTS/ENR/PAK
SCALE	DONOT SCALE	DWG NAME	HT/-194

Havant
BOROUGH COUNCIL

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Drawn: BJR
Date: 10/06/04
Scale: Donot Scale
Dwg Name: HT/-194