

## THE BOROUGH OF HAVANT

### THE BOROUGH OF HAVANT (EMSWORTH TOWN CENTRE) PROHIBITION AND RESTRICTION OF WAITING AND ON-STREET PARKING PLACES ORDER 2005

The Council of the Borough of Havant ("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) to (3), 4(2), 32(1) and 35(1) and (3) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("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 makes the following Order.

#### 1 CITATION

This Order shall come into operation on the 31st day of March 2006 and may be cited as the Borough of Havant (Emsworth Town Centre) Prohibition and Restriction of Waiting and On-Street Parking Places Order 2005.

#### 2 INTERPRETATION

- 2(1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Authorised Hackney Carriage Stand" means any area of the carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 2 of the Traffic Signs Regulations and General Directions 2002.

"Disabled Person's Badge" means a badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those regulations as if it were disabled person's badge.

"Disabled Person's Vehicle" means a vehicle, which displays a Disabled Person's Badge in the manner prescribed by Regulation 12 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000.

"Driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place.

"Goods" includes postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection.

"Hackney Carriage" means a vehicle licensed by the Council under section 37 of the Town Police Clauses Act 1847.

"Owner" means the person by whom the vehicle is kept. In determining who was the owner of a vehicle at any time it shall be presumed that the owner

was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

"Parking Attendant" means a person authorised by or behalf of the Council to enforce the restrictions imposed by this Order.

"Parking Disc" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Penalty Charge" means the charge set by the Council (as agent for the Hampshire County Council) under the provisions of the Road Traffic Act 1991, which is to be paid to the Council following the issue of a Penalty Charge Notice within 28 days of the issue of that Notice.

"Parking Place" means an area on a highway authorised as a parking place by Article 4(1).

"Telecommunications Apparatus" means such apparatus as defined in paragraph 1(i) of the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984.

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 5(g), permitting a specified vehicle to wait in special circumstances on a length or lengths of roads where the waiting of that vehicle would otherwise be restricted or prohibited.

- 2(2) Except where otherwise stated any reference in this order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 2(4) The prohibitions, restrictions 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 from the provisions of this Order is without prejudice to the provisions of any other enactment.
- 2(5) In the event that the public right of way over any length of road or parking place specified in the Schedules to this Order is extinguished, this Order shall cease to have effect with respect to that length of road or parking place.
- 2(6) The restrictions and prohibitions imposed by Articles 3 and 4 are for identification purposes only illustrated and shown annotated on Plans Hi12/214 and Hi12/215 annexed hereto.

### **3 PROHIBITION AND RESTRICTION OF WAITING**

- 3(1) Save as provided in Articles 5 (a), (b), (c), (e), (f) and (g) no person shall except upon the direction or with the permission of a Police Constable in uniform, cause or permit any vehicle to wait at any time in any of the lengths of road specified in Schedule 1.

### **4 ON-STREET PARKING PLACES**

#### **4(1) Designation of On-Street Parking Places**

Subject to the following provisions of this Order each length of road specified in Schedule 2 is authorised to be used as a parking place for vehicles.

#### **4(2) Time Limited Parking Places**

Save as provided in Articles 5 (a), (d), (f) and (g), no person shall, except upon the direction or with the permission of a Police Constable in uniform, cause or permit any vehicle to wait in any parking place being a length of road specified in Schedule 2 between the hours of 9.00 am to 6.00 pm on Monday to Saturday (inclusive) for a longer period than 45 minutes or if a period of less than 45 minutes has elapsed since the termination during the said hours of the last period (if any) of waiting of the vehicle in that same parking place

#### **4(3) Use of On Street Parking Places**

##### **(a) Access to Premises etc**

A driver of a vehicle shall not use the parking place so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use thereof, or so as to be a nuisance.

##### **(b) Use of Engine**

The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

##### **(c) Restriction on Use of Vehicles at Parking Places**

No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

**(d) Movement of Vehicles in Parking Place in Emergencies**

A Police Constable in uniform or a person duly authorised by the Council may move or cause to be moved in cases of emergency, to any place he thinks fit, any vehicle left in a parking place.

**(e) Power of Council to Suspend Use of Parking Places**

Any person duly authorised by the Council may suspend the use of a parking place or of any part thereof whenever he considers such suspension reasonably necessary:

- (i) for the purpose of facilitating movement of traffic or promoting its safety;
- (ii) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or adjacent highway or part of the highway or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity of or any telegraphic line or apparatus or traffic sign;
- (iii) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

**(f) Power of Police to Suspend Use of Parking Places**

A Police Constable in uniform may suspend for no longer than 24 hours the use of a parking place or any part thereof whenever he considers that such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

**(g) Signing of Suspended Parking Places**

Any person suspending the use of a parking place or any part thereof, in accordance with the provisions of Article 4(3)(e) or Article 4(3)(f), shall thereupon place or cause to be placed in or adjacent to that

parking place or a part thereof, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.

**(h) Prohibition of Waiting in Suspended Parking Places**

Save as provided in Articles 5(a), (b) and (f), no person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of Article 4(3)(g).

**4(4) Removal of Vehicles from Parking Places**

- (a) Where a Police Constable in uniform or a person duly authorised by the Council is of the opinion that any of the provisions contained in Article 4(2), 4(3)(a) or 4(3)(h) have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place provided that when a vehicle is left in a parking place in contravention of the provision in Article 4(3)(a), a Police Constable in uniform or a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- (b) Any person removing a vehicle or altering its position by virtue of Article 4(4)(a) of this Order may do so by towing or driving the vehicle or in such manner as he may think necessary and make take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
- (c) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 4(4)(a) of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

**5 EXEMPTIONS**

- (a) Nothing in Articles 3, 4(2) and 4(3)(h) shall render it a contravention to cause or permit a vehicle to wait in the lengths of road or parking places referred to therein, if the vehicle is being used:
  - (i) for a person to board or alight from the vehicle;
  - (ii) in connection with any building, industrial or demolition operations in or adjacent to those lengths of road, the removal of any obstruction of traffic in those lengths of roads, the maintenance, improvement or reconstruction of the said lengths of road, or the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity

or of any telecommunications apparatus, if it cannot conveniently be used for such purpose in any other length of road;

- (iii) in the service of a local authority or of a water authority in pursuance of statutory powers or duties, if it cannot conveniently be used for such purposes in any other road;
  - (iv) for police, fire brigade or ambulance purposes;
  - (v) in connection with a wedding or funeral provided that the vehicle can be reasonably used for that purpose only from the road;
  - (vi) to enable any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged to be opened or closed;
  - (vii) 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.
- (b) Nothing in Article 3 or 4(3)(h) shall prevent any person from causing or permitting a vehicle to wait in any road for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road if it cannot conveniently wait for such purpose within the curtilage of those premises or in any other road.
- (c) Nothing in Article 3 shall render it a contravention to cause or permit a disabled person's vehicle which lawfully displays 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 any of 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).
- (d) Nothing in Article 4(2) shall render it a contravention to cause or permit a disabled person's vehicle to wait in any parking place referred to in that Article for a longer period than is specified in that Article in relation to that parking place.
- (e) Nothing in Article 3 shall render it a contravention to cause or permit a vehicle to wait in any length of road referred to in the said Article for so long as may be necessary 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) Nothing in Article 3 shall render it a contravention to cause or permit a Hackney Carriage to wait upon an authorised Hackney Carriage Stand.
- (g) Nothing in Articles 3 and 4 shall render it a contravention to cause or permit a vehicle displaying in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. A notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

## **6 CONTRAVENTIONS**

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.

## **7 NOTICE OF PENALTY CHARGE**

- (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.

## 8 RESTRICTION ON REMOVAL OF NOTICES

Where a Notice has been attached to a vehicle in accordance with the provisions of Article 7, 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.

## 9 PAYMENT OF PENALTY CHARGE

- (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.

## 10 REVOCATIONS

10(1) Those Orders specified in Article 10(2) are hereby revoked but only to the extent specified

10(2) <u>Title of Order</u>	<u>Extent</u>
"The Borough of Havant (Various Roads) Prohibition and Restriction of Waiting (Consolidation) Order 2005"	Schedule 4, paragraph 4.510 Schedule 28, paragraphs 28.01, 28.02, 28.03, 28.04, 28.05, 28.06, 28.08, 28.13, 28.14, 28.15, 28.16, 28.17, 28.18, 28.19, 28.20, 28.21, 28.22, 28.23, 28.24, 28.25, 28.26, 28.27, 28.28, 28.32



<u>Title of Order</u>	<u>Extent</u>
"The Borough of Havant (Emsworth Town Centre) Prohibition and Restriction of Waiting On-Street Parking Places and Loading and Unloading Order 2004"	Schedule 4
	1 West Street (a)(i)(ii)
	2 King Street (a)
	3 North Street (a)

### SCHEDULE 1

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

1. High Street, the south-east side from a point 2 metres south-west from the boundary of number 29 and number 31 High Street, south-westwards for a distance of 7 metres
2. Queen Street, the north-west side from a point 29 metres north-east from the centreline of its junction with Frankland Terrace, north-eastwards for a distance of 85 metres.

### SCHEDULE 2

Lengths of street wherein waiting is to be limited to 45 minutes return prohibited  
within 45 minutes Monday-Saturday 9am-6pm

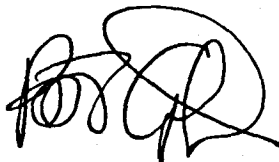
1. High Street, the north-east side from a point 2 metres south-east of the northern boundary of no 38 High Street to the boundary between No 42 and No 44 High Street
2. High Street, the north-east side from a point 6 metres south-east of the boundary between No 32A and No 34 High Street south-eastwards to the south-eastern boundary of No 34A High Street
3. High Street, the north-east side from a point 4 metres south-east of the boundary between No 22 and No 24 High Street, south-eastwards to the boundary between No 32A and No 34 High Street
4. High Street, the north-east side from a point 18 metres south-east of the centre line of its junction with Kings Terrace south-eastwards for a distance of 20 metres
5. High Street, St Peter's Square, the south-east side from a point 1 metre north-east of the boundary between No 45 and No 47 High Street, south-westwards for a distance of 42 metres

6. High Street, the south-east side from a point 9 metres south-west from the boundary between No 29 High Street and No 31 High Street, south-westwards for a distance of 5.5 metres
7. King Street, the south-west side from a point 66 metres north-west of the centre line of its junction with The Fishermans, north-westwards for a distance of 9 metres
8. King Street, the south-west side from a point 48 metres north-west of the centre line of its junction with The Fishermans, north-westwards for a distance of 9 metres
9. King Street, the south-west side from a point 12 metres north-west of the centre line of its junction with The Fishermans, north-westwards for a distance of 13 metres
10. King Street, the south-west side from the boundary between No 21 and No 23 King Street, south-eastwards to the eastern boundary of No 35 King Street
11. North Street, Emsworth, the west side from a point 98 metres south of the centre line of its junction with St James' Road, southwards to the boundary between No 38 and Nos 40/42 North Street
12. North Street, Emsworth, the west side from a point 87 metres south of the centre line of its junction with St James' Road, southwards for a distance of 6 metres
13. North Street, Emsworth, the west side from the boundary between No 64 and No 66 North Street, northwards to the boundary between No 72 and No 74 North Street
14. North Street, Emsworth, the east side from a point 119 metres south of the centreline of Seagull Lane, southwards for a distance of 19 metres (length of lay-by)
15. Palmers Road (middle Arm), the north side from a point 18 metres east of its junction with North Street, eastwards for a distance of 12 metres
16. Palmers Road (middle Arm), the north side from a point 38 metres east of its junction with North Street, eastwards for a distance of 13 metres
17. Palmers Road (middle Arm), the south side from the eastern boundary of No 5 Palmers Road, westwards for a distance of 13 metres
18. Palmers Road (middle Arm), the south side from a point 26 metres west of the eastern boundary of No 5 Palmers Road, westwards for a distance of 11 metres

19. Palmers Road (Northern Arm), the south side from a point 54 metres east of its junction with North Street, eastwards thence southwards for a distance of 48 metres
20. Queen Street, the north-west side from a point 14 metres north-east of the centre line of its junction with Frankland Terrace, north-eastwards for a distance of 15 metres
21. Queen Street, the north-west side from a point 19 metres south-west of the centre line of its junction with Frankland Terrace, south-westwards for a distance of 7 metres
22. Queen Street, the north-west side from a point 31 metres south-west of the centre line of its junction with Frankland Terrace, south-westwards to the boundary between No 10 and No 12 Queen Street
23. South Street, Emsworth, the north-west side from the boundary between No 21 South Street and the Car Park, south-westwards for a distance of 9 metres
24. South Street, Emsworth, the north-west side from a point 16 metres south-west of the boundary between No 21 South Street and the Car Park, south-westwards for a distance of 24 metres
25. South Street, Emsworth, the west side from a point 62 metres south of the boundary between No 21 South Street and the Car Park, southwards to the boundary between No 39 and No 41 South Street
26. St James' Road, the north side from a point 8 metres west of its junction with North Street, westwards for a distance of 18 metres
27. Tower Street, the south-east side from a point 5 metres south-west of its junction with High Street, south-westwards for a distance of 11 metres
28. West Street, Emsworth, the north-east side from a point 69.5 metres south-east of its north-western end, south-eastwards for a distance of 29.5 metres
29. West Street, Emsworth, the north-east side from a point 24 metres south-east of its north-western end, south-eastwards for a distance of 40 metres

DATED this 21<sup>st</sup> day of March 2006

THE COMMON SEAL of THE  
COUNCIL OF THE BOROUGH  
OF HAVANT was hereunto  
affixed in the presence of:



Solicitor to the Council

Statement of Reasons

The Council's precise reasons for making the Order are to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and to avoid danger to persons or other traffic using the road or any road or for preventing the likelihood of any such danger arising.

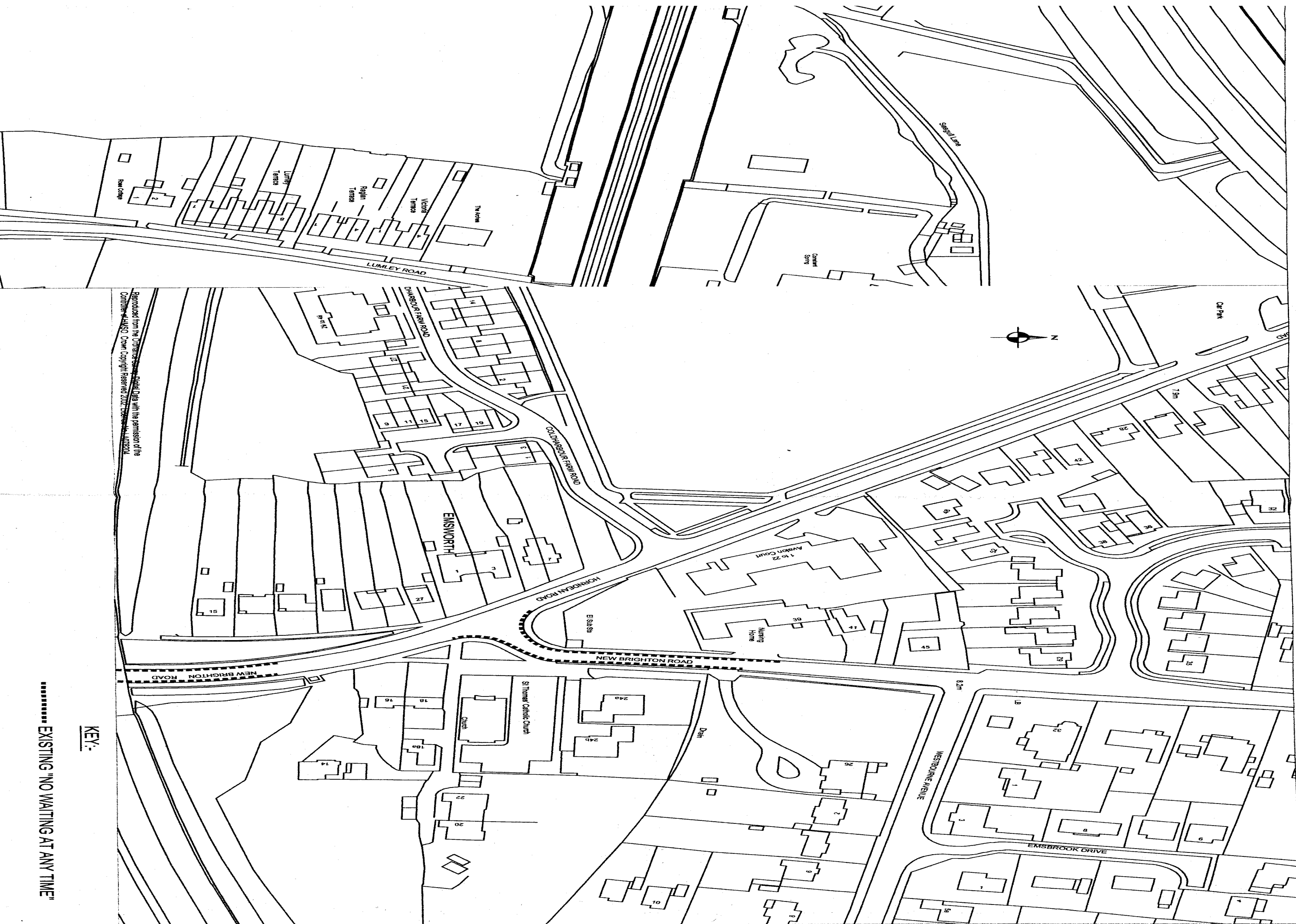


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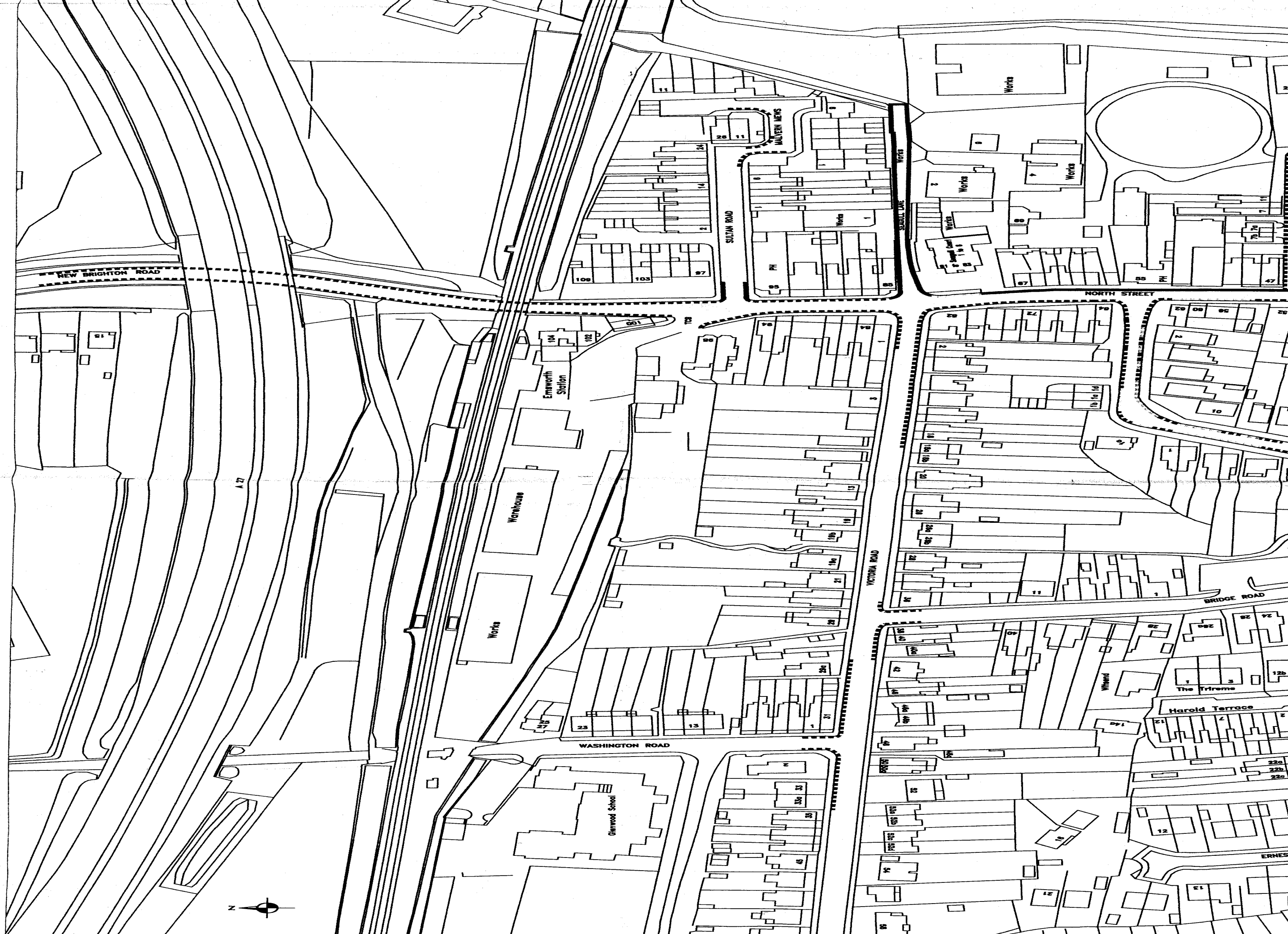
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KEY:-

..... EXISTING "NO WAITING AT ANY TIME"







NEW BRIGHTON ROAD

SUTAN ROAD

STABLE LANE

NORTH STREET

VICTORIA ROAD

BRIDGE ROAD

WASHINGTON ROAD

ERNES ROAD

Warehouse

Works

Emmaworth Station

Greenwood School

Works

Works

Works

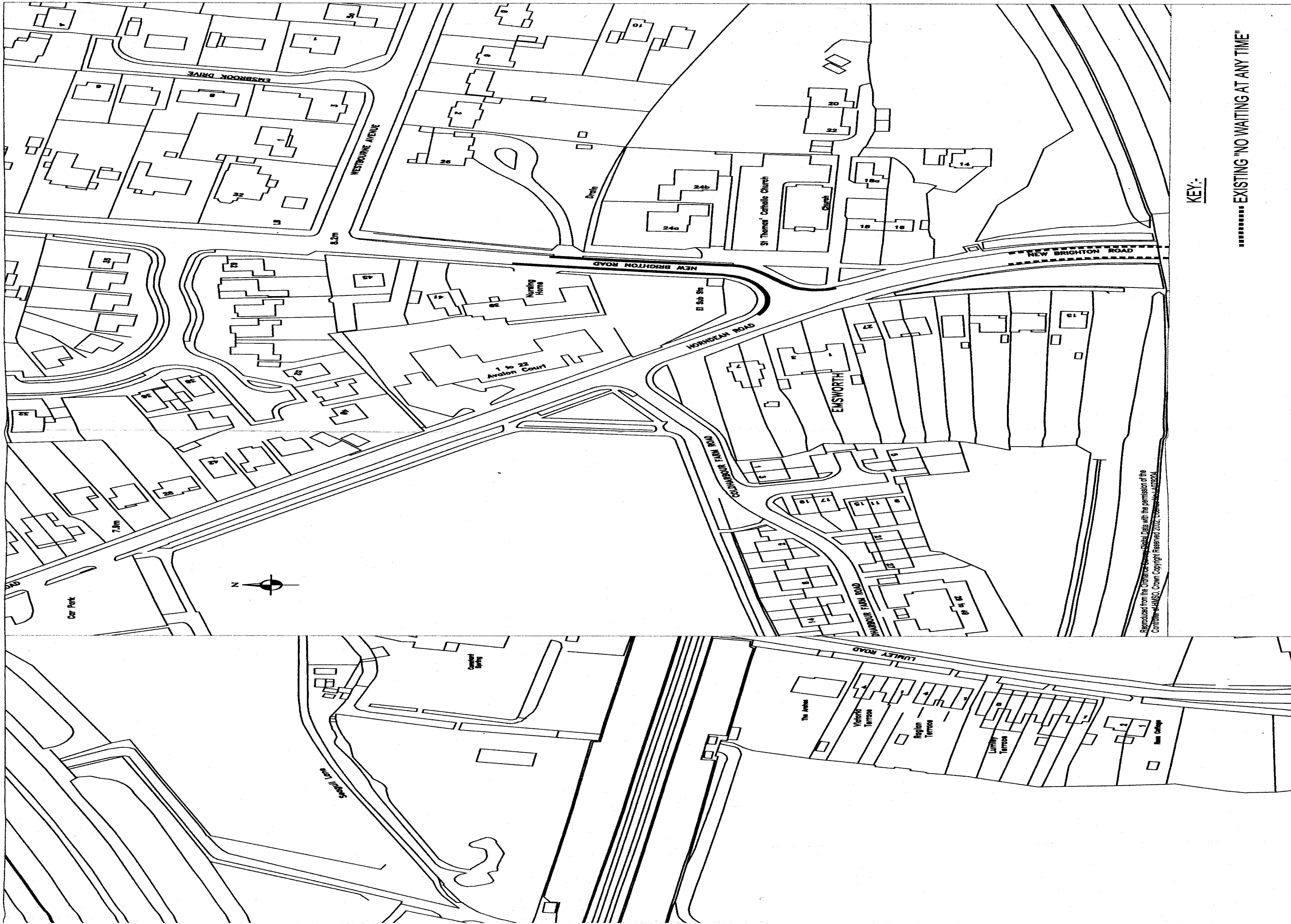
Works

MALVERN NEWS

Harold Terrace

The Triforce

Willard



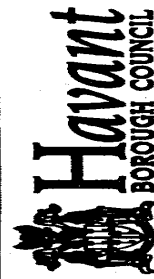
KEY:-

----- EXISTING "NO WAITING AT ANY TIME"

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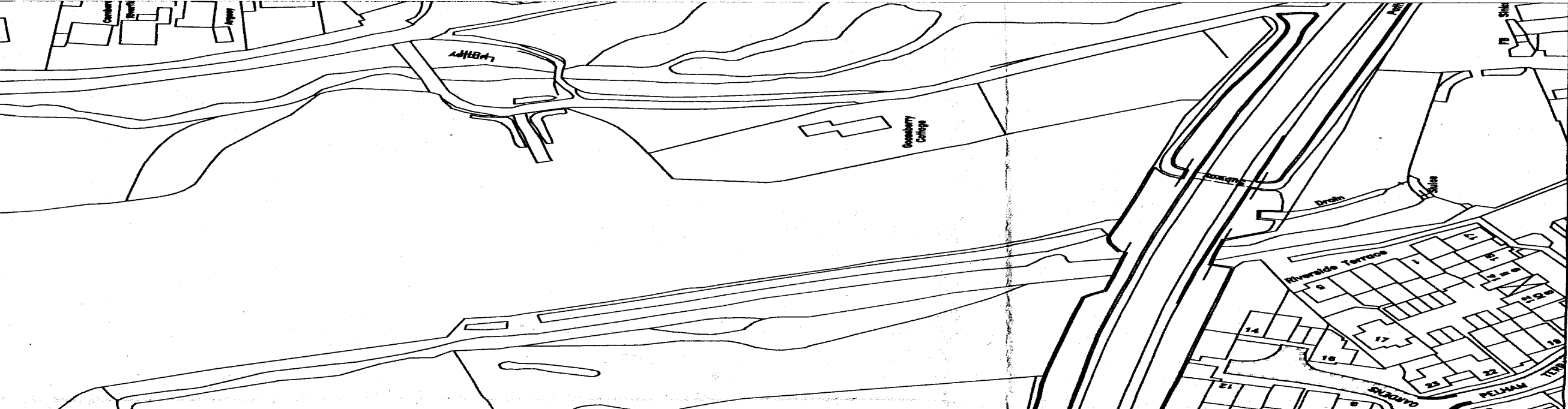


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 Internet: [www.havant.gov.uk](http://www.havant.gov.uk)



EXISTING "NO WAITING MON - SAT  
9:00am - 6:00pm"

..... EXISTING "WAITING LIMITED TO 30 MINS  
(RETURN PROHIBITED WITHIN 30 MINS)  
MON - SAT 9:00am - 6:00pm"

..... EXISTING "NO WAITING 24 HOURS A DAY  
FROM 1st APRIL TO 30th SEPTEMBER"

EXISTING "WAITING RESTRICTED TO  
DISABLED BADGE HOLDERS +  
WEDDING / FUNERAL VEHICLES ONLY"

—— PROPOSED "NO WAITING AT ANY TIME"

—— PROPOSED "WAITING LIMITED TO 30  
MINUTES (RETURN PROHIBITED WITHIN  
30 MINUTES) MON - SAT 9:00am - 6:00pm"

—— PROPOSED "WAITING LIMITED TO 2  
HOURS (RETURN PROHIBITED WITHIN 2  
HOURS) MON - SAT 9:00am - 6:00pm"

PROPOSED "NO WAITING MON - SAT  
9:00am - 6:00pm"

PROPOSED "WAITING RESTRICTED TO  
DISABLED BADGE HOLDERS ONLY"

—— PROPOSED "NO WAITING AT ANYTIME"  
AND "LENGTH OF STREET WHEREIN  
LOADING IS TO BE PERMITTED MON -  
SAT BETWEEN 7:00am AND 6:00pm"

TITLE

EMSWORTH  
TOWN CENTRE - NORTH  
WAITING RESTRICTIONS

DRAWN BY	BJR	DRG No.	H112/192
DATE	MAY 2004	DIR NAME	HWAYS/EMSWORTH
SCALE	1:1250	CAD NAME	H112-192

REV	DESCRIPTION	DATE	INTS
A	AMENDED AS PER EXECUTIVE MINUTE 50000 (CHURCH PATH AMENDED)	19/05/05	BJR