

THE BOROUGH OF HAVANT
(WATERLOOVILLE: REAR OF WELLINGTON WAY)
(LOADING BAY) ORDER 2007

The Council of the Borough of Havant hereby gives notice that pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Council of the County of Hampshire in exercise of the powers conferred on that County Council under Sections 1 (1) 2 (1) and (2) and 4 (2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. This Order shall come into operation on the twenty-first day of December 2007 and may be cited as "The Borough of Havant (Waterlooville: Rear of Wellington Way) (Loading Bay) Order 2007"
2. The part of Order specified in the First Schedule to this Order is hereby revoked.
3. (1) In this Order -

"driver" in relation to a vehicle in a loading bay area for the purpose of loading and unloading means a person driving the vehicle at the time it was left in the loading bay area;

"loading bay area" means the part of the road authorised by this Order to be used as a loading and unloading only area and indicated by sign diagram 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 1994;

"permitted hours" in relation to the loading bay area means the period specified in the Second Schedule to this Order.

(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.
4. The part of the road specified in the Second Schedule to this Order is authorised to be used, subject to the following provisions of this Order, as a loading bay area, for all classes of vehicle, in such positions and on such days and during the permitted hours as specified in relation to that part of the road in the Schedule to this order for the purposes of loading and unloading only.
5. Nothing in Article 4 shall restrict the power of the Council to close any loading bay area.

6. Nothing in Article 4 shall render it unlawful to cause or permit any vehicle to wait in the loading bay area referred to therein for so long as may be necessary to enable -
- (a) the vehicle to be used for fire brigade ambulance or police purposes.
 - (b) 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 namely-
 - (i) building industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance improvement or reconstruction of the said length of road; or
 - (iv) the laying erection alteration or repair in or in land adjacent to the said length of road of any sewer or of any main pipe or apparatus for the provision of gas water electricity or telecommunications;
 - (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 the Environment Agency or a water or sewerage undertaker within the meaning of the Water Act 1989 in pursuance of statutory powers or duties;
 - (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 the Act;
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.
7. The driver of any vehicle shall not permit it to wait in a loading bay area for longer than is necessary to enable goods to be loaded or unloaded from a vehicle.
8. The driver of a vehicle shall not wait in a loading bay area:
- (a) So as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;

- (b) When for preventing obstruction of the loading bay area on a particular day or for a particular purpose the Council has closed that loading bay area and exhibited notice of such closing in or near the loading bay area.
9. The driver of a motor vehicle using a loading bay area shall stop the engine as soon as the vehicle is in a position in the loading bay area and shall not start the engine except when about to change position of the vehicle or to depart from the loading bay.
10. No person shall use a vehicle while it is in a loading bay area, in connection with the sale of any article to persons in or near the loading bay area, or in connection with the selling or offering for hire of his skills or services.
11. Subject to the proviso hereto, when a vehicle is left in the loading bay area in contravention of any of the provisions contained in Articles 6 and 7 of this Order, a Police Constable in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that loading bay area provided that when a vehicle is waiting in the loading bay area in contravention of the provisions of Article 6 of this Order, 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.
12. Any person removing a vehicle or altering its position by virtue of Article 11 of this Order may do so by towing or driving the vehicle or in such manner as he may think necessary to enable him to remove it or alter its position as the case may be.
13. When a Police Constable in uniform or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a loading bay area by virtue of Article 11 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
14. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

FIRST SCHEDULE
(Part of Order to be Revoked)

ORDER

The Borough of Havant (Various Roads) Prohibition and Restriction of Waiting (Consolidation) Order 2005

EXTENT OF REVOCATION

Schedule 4 (No waiting at any time)
Paragraph 4.710 – Wellington Way
Car Park Access/Rear Service Road,
both sides along its entire length.

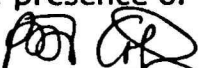
SECOND SCHEDULE

(Loading Bay Area in which only Loading or Unloading is permitted 24 hours a day, 7 days a week, throughout the year)

Length of road in Waterloooville

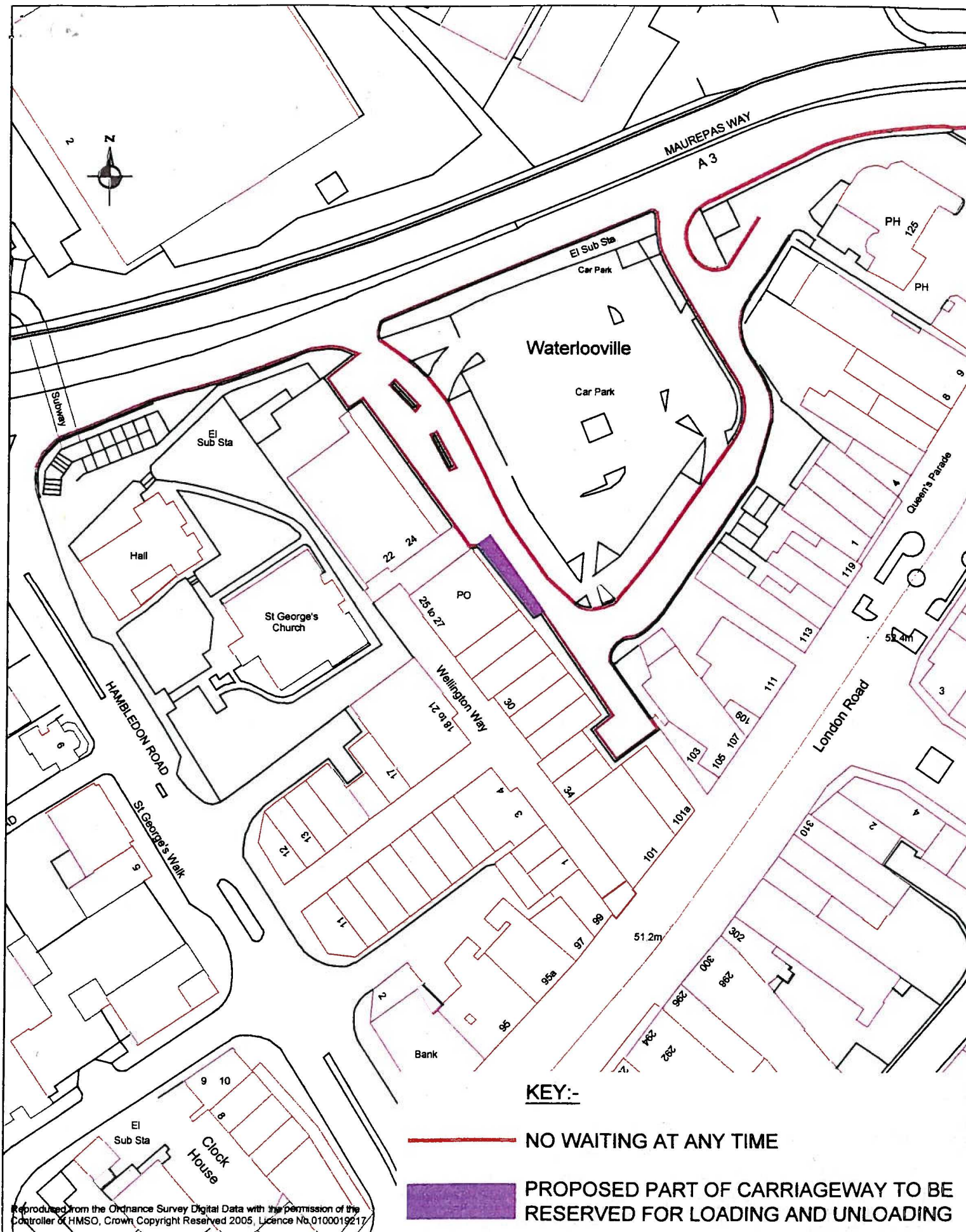
Wellington Way Rear Service Road

On the south-west side from the north-west boundary of 25/27 Wellington Way, south-eastwards for a distance of approximately 17 metres.

THE COMMON SEAL OF THE
COUNCIL OF THE BOROUGH
OF HAVANT was Hereunto
affixed this
12th day of December 2007)
In the presence of)
)
Solicitor to the Council)



File Ref: AS/TRO/115
Plan No: Hi12/211



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KEY:-



NO WAITING AT ANY TIME



PROPOSED PART OF CARRIAGEWAY TO BE RESERVED FOR LOADING AND UNLOADING



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Director, Regeneration Group

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Internet: www.havant.gov.uk

TITLE

PROPOSED LOADING BAY **REAR OF 25 - 27 WELLINGTON WAY,** **WATERLOOVILLE**

A REMOVAL OF NO WAITING TRO FROM LOADING BAY

04/12/07

BJR

Drawn By: BJR

Scale: 1:1000

Drawing No.: Hi12/211

Date: AUG 2005

Dir. Name: HWAYSWATERLOO

Con Name: Hi12-211

