

THE BOROUGH OF HAVANT
(HAVANT: THE MALLARDS AND TOWERS GARDEN) (PROHIBITION AND RESTRICTION OF WAITING) ORDER 2015

The Council of the Borough of Havant hereby gives notice that pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Council of the County of Hampshire in exercise of the powers conferred on that County Council under Sections 1 (1), 2 (1), (2), 4 (2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 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 seventeenth day of July 2015 and may be cited as "The Borough of Havant (Havant: The Mallards and Towers Garden) (Prohibition and Restriction of Waiting) Order 2015".
2. The parts of Orders specified in the First Schedule to this Order are hereby revoked.
3. (1) In this Order -

"Civil Enforcement Officer" means a person (being a person appointed under Section 76 of the Traffic Management Act 2004 and/or under Section 63A of the 1984 Act) authorised by or on behalf of the Council to supervise any parking place and act as indicated by the use of the expression in any of the Articles in this Order;

"Council" means the Council of the Borough of Havant;

"delivering" and **"collecting"** in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's badge" or **"blue badge"** has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"Disabled Persons' Parking Place" means a area on a highway which is designated as a disabled persons' parking place and is comprised within and indicated by a road marking complying with diagram 1028.3 or diagram 1033 of the Traffic Signs Regulations and General Directions 2002;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"loading" means the loading or unloading of goods to or from a vehicle;

- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge or a parking disc in the relevant position when and only when they are displayed in accordance with Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (3) 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. Save as provided in Article 7 no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait in the lengths of roads specified in the Second Schedule to this Order.
5. Save as provided in Article 7 no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait between the hours of 1.00 p.m. and 2.00 p.m. from Mondays to Fridays inclusive, (excluding Public and Bank Holidays) in the lengths of road specified in the Third Schedule to this Order.
6. Save as provided in Article 7 no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait between the hours of 11.00 a.m. and 11.00 p.m. seven days a week in the lengths of road specified in the Fourth Schedule to this Order.
7. (1) Subject to the provisions in Article 8 nothing in Articles 4, 5 and 6 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable -
 - (a) a person to board or alight from the vehicle;
 - (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 lengths of roads; or
 - (iv) the laying erection alteration or repair in or in land adjacent to the said lengths of roads of any sewer or of any main pipe or cable or other apparatus for the provision of gas water electricity or telecommunications by a utility organization attending their apparatus in pursuance of their statutory powers or duties; or
 - (v) in pursuance of a local authority's highways management, works, maintenance, waste collection or street cleansing.
 - (c) the vehicle if it is a Universal Service Provider as defined in Section 4(3) of the Postal Services Act 2000 used for the delivering or collecting of postal packets;
 - (d) the vehicle to take in petrol oil water or air from any garage situated on or adjacent to the said lengths of roads;
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (f) the vehicle if it is being used by the emergency services in pursuance of their statutory powers or duties; or

- (g) the vehicle if it is required by law to stop or obliged to stop so as to prevent an accident or prevented from proceeding by circumstances beyond its control.
 - (h) the vehicle to wait for the purpose of enabling goods to be loaded on or unloaded from the vehicle.
- (2) Nothing in Articles 4, 5 and 6 shall render it unlawful to cause or permit a disabled person's vehicle which validly displays in the relevant position a disabled person's badge in the circumstances prescribed in Regulations 7, 8 or 9 and subject to the limitation set out in Regulation 6(2) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683 to wait in the lengths of roads referred to therein.
8. Those vehicles described in Article 7 (1) (a) to (h) are subject to the provision that:-
- (a) there is no reasonable alternative place to stop or wait; and
 - (b) they only stop and wait for so long as is necessary.
9. 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
(Parts of Order to be Revoked)

ORDER

EXTENT OF REVOCATION

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

Thirteenth Schedule – No waiting 11.00am – 11.00pm – Item No. 13.02

The Borough of Havant (Havant: North Langstone (Various Roads) (Prohibition and Restriction of Waiting) Order 2011

First Schedule – Waiting Prohibited At All Times – in so far as it relates to The Mallards

SECOND SCHEDULE
(Waiting Prohibited at all Times)

Lengths of Roads in Havant

The Mallards

South and West sides:

- from its junction with Langstone Road, northwards thence westwards for a total distance of 74 metres.

North side:

- from its junction with Langstone Road, westwards for a distance of 22 metres.
- from a point 34 metres west of its junction with Langstone Road (A3023), westwards thence northwards for a total distance of 42 metres.
- from its junction with The Mallards (between property Nos. 16 and 31), westwards and eastwards for distances of 12.5 metres and 12 metres respectively.

East side:

- from its junction with The Mallards (between property Nos. 16 and 31), northwards to its termination as publically maintainable highway.

West Side:

- from its junction with The Mallards (between property Nos. 16 and 31), northwards for a distance of 10 metres.
- from a point 26 metres north of its junction with The Mallards (between property Nos. 16 and 31), northwards to its termination as publically maintainable highway.

West and South sides:

- from a point 90 metres westwards thence northwards of its junction with Langstone Road, northwards thence westwards to the projected property boundary of Nos. 5 and 7 The Mallards.

Towers Garden

North side:

- from a point 6 metres south of the southern property boundary of No. 12 Towers Garden, westwards, following the kerb line, for a distance of 12.5 metres.

South side:

- from a point 4 metres west of its eastern most point, westwards to its termination, to include the southern section of the turning head.

THIRD SCHEDULE

**(Waiting Prohibited between the hours of 1.00 pm and 2.00 pm
Monday to Friday inclusive, excluding Public and Bank Holidays)**

Length of Road in Havant

The Mallards

North side:

- from a point 12.5 metres west of the centreline of its junction with The Mallards (between property Nos. 16 and 31), eastwards for a distance of 19.5 metres.

North and East sides:

- from a point 12 metres east of the centreline of its junction with The Mallards (between property Nos. 16 and 31), eastwards thence southwards for a distance of 42.5 metres.

South side:

- from the property boundary of Nos. 5 and 7 The Mallards, westwards for a distance of 21 metres.
- from a point 16 metres west of the property boundary of Nos. 9 and 11 The Mallards, westwards and southwards for a distance of 9 metres.

West side:

- from a point 74 metres westwards thence northwards following the kerb line of its junction with Langstone Road, northwards for a distance of 16 metres.

FOURTH SCHEDULE

(Waiting Prohibited between the hours of 11.00 Am and 11.00 pm, seven days a week)

Length of Road in Havant

Towers Garden

East side:

- in its entirety.

South side:

- from its eastern most point,
westwards for a distance of 4 metres.

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH)
OF HAVANT was hereunto)
affixed this)
eighth day of July 2015)

In the presence of)

Authorised signatory)



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Plan No's: 1415HAV04(A) & 1415HAV05