

THE PORTSMOUTH CITY COUNCIL (SEAFRONT AREAS) (OFF STREET PARKING PLACES) (NO.52) ORDER 2015

The Portsmouth City Council (hereinafter referred to as 'the Council') under sections 32, 33, 34 and 35 of the Road Traffic Regulation Act 1984 ('the Act'), the Traffic Management Act 2004 ("the 2004 Act"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations"), and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

PART I: GENERAL

1. 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. In this Order:

"Civil Enforcement Officer" means any person authorised by or on behalf of the Council to supervise and control parking in the City of Portsmouth and to carry out such other functions as may be conferred by or under any enactment;

"Disabled Person's Badge" has the same meaning as in Section 2 of The Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000;

"Driver" means the person driving the vehicle at the material time.

"Owner", has the same meaning as Section 92 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

"Parking Place" means any area of land provided by the Council under Section 32 (1) of the Act for use as a parking place and which is specified in Columns 1 and 6 of Schedule 1;

"Penalty Charge" means an additional parking charge set by the Council under the provisions of Section 78 the 2004 Act and has the same meaning as Section 2 of Part 1 of the 2007 Regulations;

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

PART II: USE OF A PARKING PLACE

3. Designation and Use of Land and Parking Place

- (a) Each area of land specified in Columns 1 and 6 of Schedule 1 and shown may be used, subject to the following provisions of this Order, as a Parking Place for such classes of vehicles, in such position on such days, during such hours and in accordance with the restrictions on parking as are specified in relation to that area in the Schedule.

- (b) Where in the Schedule a Parking Place is described as available for vehicles of a specified class or in a specified position, the Driver of a vehicle shall not permit it to wait in that Parking Place unless it is of the class and in the position so specified.
- (c) The Driver shall not permit a vehicle to wait in a Parking Place in such a position as to obstruct or prevent any other vehicle from entering or departing from the Parking Place.
- (d) No person shall cause or permit a vehicle to be used in a Parking Place so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.
- (e) 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 without the prior consent of the Council.
- (f) Unless authorised by the Council, no person shall use any part of a Parking Place or any vehicle left in a Parking Place for:
 - (i) camping or cooking or sleeping overnight, or
 - (ii) for the purposes of servicing, dismantling or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

4. **Other Provisions**

- (a) The Driver or Owner of a vehicle shall not permit that vehicle to wait in a Parking Place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the Driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Driver or Owner of a motor 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 or to depart from the Parking Place.
- (c) In a Parking Place no person shall:
 - (i) erect or cause or permit to be erected any tent, booth, stand, building or other structure without authorisation from the Council,
 - (ii) light or cause or permit to be lit a fire,
 - (iii) wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood,
 - (iv) use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

- (d) The Driver or Owner of a vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place.
- (e) Where in a Parking Place signs are erected or surface marking are laid for the purpose of:
 - (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
 no person shall drive or permit to be driven any vehicle:
 - (i) so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit, so indicated, or
 - (ii) in a direction other than so specified, other than with the permission of a person authorised by the Council in that behalf.
- (f) No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a Parking Place for any purpose other than the purpose of leaving that vehicle in the Parking Place in accordance with the provisions of this Order or for the purposes of departing from the Parking Place.
- (g) The Council may at any time close a Parking Place or any part thereof by means of a notice exhibited in the parking area or by means of barriers to cordon off the closed area and no Driver of any vehicle shall use the Parking Place or part thereof when it is so closed without the consent of the Council.
- (h) Nothing in Articles 3 and 4 shall apply to vehicles used in connection with any of the following operations, namely:
 - (i) building, industrial or demolition operations on the site of the Parking Place,
 - (ii) the removal of any obstruction to traffic in the Parking Place,
 - (iii) the maintenance, improvement or reconstruction of the Parking Place,
 - (iv) the laying, erection, alteration or repair in the Parking Place of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878,
 - (v) in the service of a local authority or water authority in pursuance of statutory powers or duties,
 - (vi) for police, fire and rescue or ambulance purposes.

6. **Moving or Removal of Vehicles**

- (a) If a vehicle is left in a Parking Place as specified in Columns 1 and 6 of the Schedule in a position otherwise than in accordance with the requirements of Part II, Article 3 of this Order, a Civil Enforcement Officer or other person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

- (b) If a vehicle is left in a Parking Place as specified in Columns 1 and 6 of the Schedule in contravention of any part of Part II of this Order a Civil Enforcement Officer or other person authorised by the Council may remove the vehicle from that Parking Place or arrange for such removal.
- (c) In an emergency, a Civil Enforcement Officer or other person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a Parking Place as specified in Column 1 of the Schedule or remove or arrange for the removal of a vehicle from a Parking Place.
- (d) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (a) of this Article, or removing or causing the removal of a vehicle by virtue of paragraphs (b) or (c) of this Article, may do so by towing or driving the vehicle or in such other manner as is reasonable to alter the position of the vehicle or to remove the vehicle.
- (e) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (b) or (c) of this Article shall make such arrangements as are reasonable for the safety of the vehicle in the place to which it is removed.

7. **Penalty Charge**

- (a) A failure by any person to comply with any requirement of Articles 3 and 4 in Part II of this Order shall be a contravention of this Order and, following the issue of a Penalty Charge Notice, a Penalty Charge shall be payable by the Owner.
 - (b) Where a Penalty Charge Notice has been attached to a vehicle in accordance with the Articles of this Section no person, other than the Driver of the vehicle, a police constable in uniform or a person duly authorised by the Council shall interfere with or remove the Penalty Charge Notice from the vehicle unless authorised to do so by the Driver.
8. 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.
9. This Order may be cited as the Portsmouth City Council (Seafront Areas) (Off-Street Parking Places) (No 52) Order 2015 and shall come into operation on 24 November 2015.

SCHEDULE

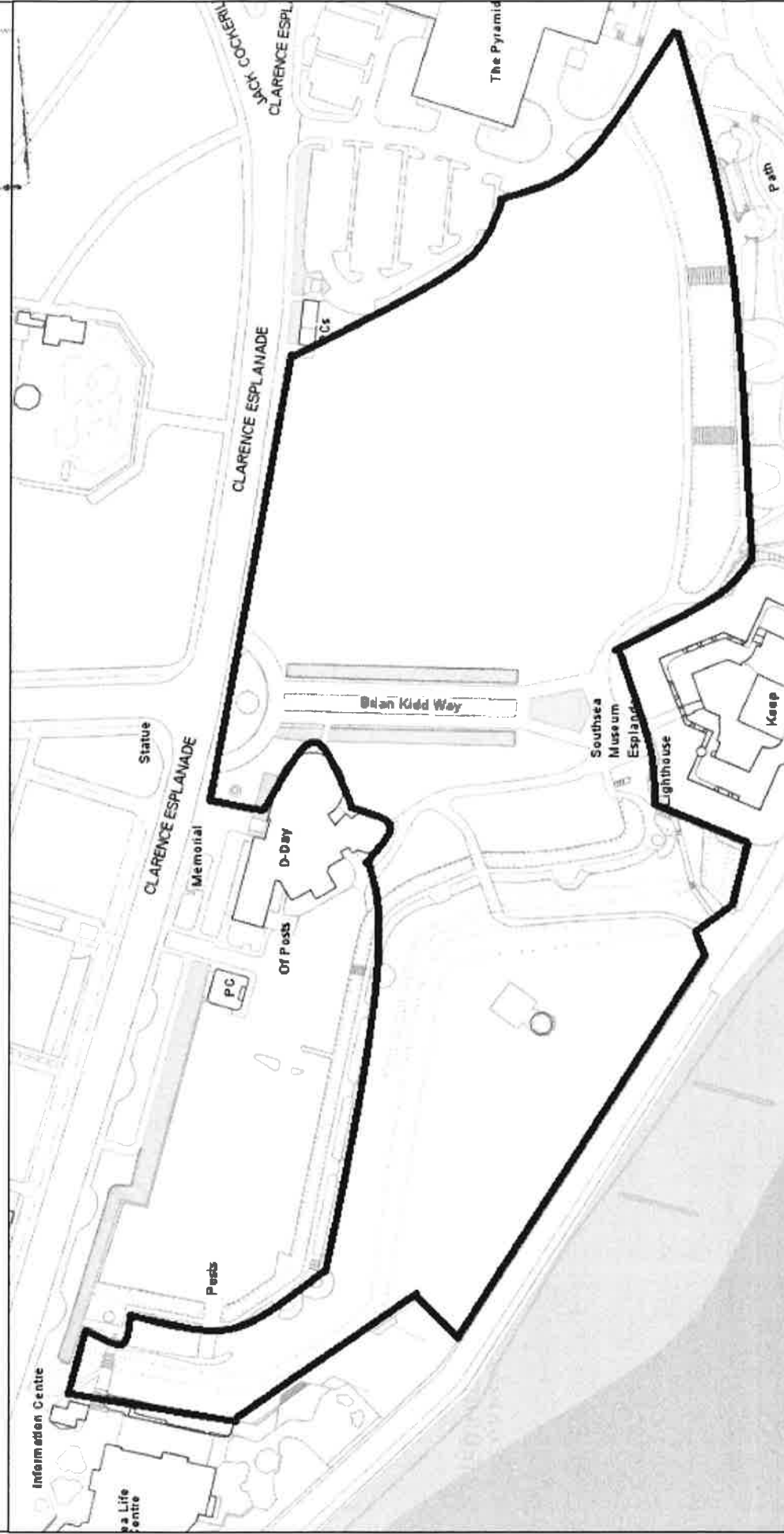
(See Articles 3 and 4)

OFF-STREET PARKING PLACES

NAME OF PARKING PLACE 1	POSITION IN WHICH VEHICLE MUST WAIT 2	CLASSES OF VEHICLE 3	PERIOD OF OPERATION OF PARKING PLACE 4	PARKING RESTRICTION 5
1. SOUTHSEA CASTLE AREA Area south of Clarence Esplanade	As indicated by markings on the ground, by an attendant authorised by the Council or parked vehicles so as to maximise the available space.	All classes of vehicle	7 days a week 24 hours a day Including bank holidays	Valid permit holders only Disabled Person's Badge holders not exempt

PLAN OF AFFECTED AREA

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NAME OF PARKING PLACE 1	POSITION IN WHICH VEHICLE MUST WAIT 2	CLASSES OF VEHICLE 3	PERIOD OF OPERATION OF PARKING PLACE 4	PARKING RESTRICTION 5
2. WESTERN PARADE AREA Area bounded by Western Parade, Southsea Terrace, Pier Road and Duisburg Way	As indicated by markings on the ground, by an attendant authorised by the Council or parallel to other parked vehicles so as to maximise the available space.	All classes of vehicle	7 days a week 24 hours a day Including bank holidays	Valid permit holders only Disabled Person's Badge holders not exempt

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Reason for the Order

To manage parking on the seafront areas when necessary and to prevent vehicles accessing and using off-street locations for unauthorised parking. Without a Traffic Order, vehicles can access grassed and pedestrian areas for parking with impunity. Vehicular access itself cannot be prevented, as access is required for service vehicles via the dropped kerbs, for maintaining the trees and plants and collecting litter etc.

Given under the Common Seal
of the Portsmouth City Council this 10th day of November 2015.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in)
pursuance of a resolution of the Council)
passed at a meeting duly convened and held)

Authorised Signatory

