

## **THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING AND AMENDMENTS) (NO.77A) ORDER 2015**

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 1 - 4 of the Road Traffic Regulation Act 1984 ('the Act'), as amended by the Road Traffic Act 1991 ("the 1991 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 consultation with the Chief Officer of Police for the County of Hampshire in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

### **GENERAL**

1. (1) In this Order:

'badges regulations' means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

'bus' has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 "the 2002 Regulations";

'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;

'council' means Portsmouth City Council;

'disabled person's badge' has the same meaning as in Section 2 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

'disabled person's vehicle' means a vehicle lawfully displaying a disabled person's badge;

'driver', in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

'motorcycle' means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the unladen weight of which does not exceed 410 kilograms;

'owner' for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle;

'parking place' means any part of the highway designated by this Order to be used as a place to park a vehicle;

'penalty charge' means an additional parking charge set by the council under the provisions of Section 78 of 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;

'relevant position' means

- (a) a disabled person's badge displayed in the manner prescribed by regulation 12 of the Badges Regulations;
- (i) the disc is exhibited on the dashboard or fascia of the vehicle, or
- (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;

'traffic sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2002 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act or Section 195(2) of the Road Traffic Act 1988;

- (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. The Orders specified in Schedule 1 shall have effect subject to the amendments specified below the said Orders of the said Schedule.
- 3. Save as provided in Articles 7 and 8 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, and sides of lengths of roads specified in Schedule 2.
- 4. Save as provided in Articles 7 and 8, no person shall cause or permit any vehicle to wait in the roads, length of roads and side of lengths of roads specified in Schedule 3 on a Monday or a Friday between the hours of 8am and 1pm.
- 5. Save as provided in Article 9, no person shall cause or permit any vehicle to wait in the length of road and side of length of road marked as prescribed by Diagram 1028.2 in the 2002 Regulations specified in Schedule 4 except if that vehicle is an ambulance.
- 6. Save as provided in Article 9, no person shall cause or permit any vehicle to stop or remain at rest in the sides of lengths of roads specified in Schedule 5 between the hours of 8am and 4pm Monday to Friday.
- 6a. Save as provided in Article 7, no person shall cause or permit any vehicle to wait in the length of road and side of length of road specified in Schedule 6 except for the purposes of loading and unloading.
- 7. Nothing in Articles 3, 4 and 6a shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
  - a) A person to board or alight from the vehicle;
  - b) Goods to be loaded on or unloaded from the vehicle;
  - c) 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 side or length of road;
    - iv) The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
  - d) 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 or a water authority in pursuance of statutory powers or duties;
  - e) 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
  - f) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
  - g) A vehicle to be used for fire and rescue, ambulance or police purposes.
8. Nothing in Articles 3 and 4 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 any of the roads, lengths of roads, sides of roads or sides of lengths of roads referred to in the said Articles for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side or length of road).
9. Nothing in Articles 5 and 6 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
- a) 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, demolition or excavation operations;
    - ii) The removal of any obstruction to traffic;
    - iii) The maintenance, improvement or reconstruction of the said side or length of road;
    - iv) The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
  - b) 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 or a water authority in pursuance of statutory powers or duties;
  - c) 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
  - d) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
  - e) A vehicle to be used for fire and rescue, ambulance or police purposes.
10. A failure by any person to comply with any requirement of this Order shall be a contravention of this Order and a penalty charge shall be payable by the owner.

11. 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.
12. This Order may be cited as The Portsmouth City Council (Various Roads) (Restrictions on Waiting and Amendments) (No.77a) Order 2015 and shall come into operation on the 11 January 2016.

## **SCHEDULE 1**

(See Article 2)

### **AMENDMENTS TO EXISTING ORDERS**

#### **1. The Portsmouth City Council (Consolidated) (On-Street Parking and Restrictions on Waiting and Loading) (No.6) Order 2015**

**a)** Delete Item 2 in Schedule 1 relating to Ackworth Road

**b)** Amend Item 1 in Schedule 19a relating to Albert Road, Southsea, to read:

The south side a point 5 metres east of the projected east side of Henley Road in an easterly direction for a distance of 11 metres

**c)** Amend Item 59 in Schedule 1 relating to Auckland Road West to read:

(a) The north side;

(i) from its western end to a point 8 metres east of its junction with Netley Road.

(ii) from its junction with Palmerston Road in a westerly direction for a distance of 25 metres

(b) The south and east sides for their entire lengths

(c) The west side;

(i) from its junction with Clarence Parade in a northerly direction for a distance of 3 metres

(ii) from a point 27 metres north of its junction with Clarence Parade to its northern end

**d)** Delete Item 718 (c) (i) in Schedule 1 relating to London Road

**e)** Amend Item 770 in Schedule 1 relating to Marmion Avenue to read:

(a) The east side from its junction with Marmion Road for its entire length northwards including its eastern turning head

(b) The west side from its junction with Marmion Road in a northerly direction for a distance of 5 metres

(c) The northern end up to the parking bay on the west side

**f)** Amend Item 788 in Schedule 1 relating to Melrose Close to read:

(a) The west side from its junction with Dunbar Road in a northerly direction for a distance of 17 metres

(b) The east side from its junction with Dunbar Road in a northerly direction for a distance of 5 metres

**g)** Amend Item 848 (a) in Schedule 1 relating to Nightingale Road to read:

Both sides from its junction with Kent Road in a southerly direction for a distance of 4 metres

**h)** Amend Item 913 (a) in Schedule 1 relating to Park Lane to read:

The west and southwest sides from a point 55 metres south-east of its junction with Havant Road to its junction with Magdala Road

**i)** Amend Item 62 in Schedule 2 relating to Stanley Street to read:

Both sides for its entire length, with the exception of a 9-metre length on the southwest side north-westwards from its junction with Lennox Road North.

**j)** Amend Item 1255 (b) (iii) in Schedule 1 relating to Waterworks Road to read:

The east side from a point 5 metres north of its junction with Second Avenue to a point 5 metres south of that junction

**k)** Amend Item 1296 (e) (i) in Schedule 1 relating to Wilton Place to read:

from the projected west side of Wilton Place north-south section in a south-easterly direction for a distance of 14 metres

## **SCHEDULE 2**

(See Article 3)

### **PROHIBITION OF WAITING AT ANY TIME**

Lengths of Roads and Sides of Lengths of Roads

#### **1. ASHURST ROAD**

The south side;

- (a) from a point 45 metres west of its junction with First Avenue in a westerly direction for a distance of 6 metres
- (b) from a point 58 metres west of its junction with First Avenue in a westerly direction for a distance of 6 metres
- (c) from a point 69 metres west of its junction with First Avenue in a westerly direction for a distance of 10 metres

#### **2. BALLIOL ROAD**

- (a) The west side from its junction with Binstead Road in a northerly direction for a distance of 2 metres
- (b) The east side from a point 1 metre north of its junction with Binstead Road to a point 1 metre south of that junction

#### **3. BINSTEED ROAD**

- (a) The north side from a point 1 metre west of its junction with Balliol Road to a point 4 metres east of that junction
- (b) The south side from a point 4 metres west of its junction with Balliol Road to a point 1 metre east of that junction

#### **4. CRANBORNE ROAD**

The eastern end

#### **5. CRANLEIGH AVENUE**

The north side from a point 1 metre west of its junction with Cranleigh Road to a point 1 metre east of that junction

#### **6. CRANLEIGH ROAD**

Both sides from its junction with Cranleigh Avenue in a northerly direction for a distance of 2 metres

#### **7. DENVILLE CLOSE**

The south and east sides, from a point 3 metres west of its eastern end up to the eastern end and then northwards for a distance of 31 metres

#### **8. NORTHUMBERLAND ROAD**

The southeast side from a point 6.6 metres south-west of its north-eastern end in a south-westerly direction for a distance of 12 metres

#### **9. POYNINGS PLACE**

- (a) The inner circumference;
  - (i) A 1 metre length on the northeast corner
  - (ii) A 1 metre length on the southeast corner
  - (iii) A 1 metre length on the southwest corner
  - (iv) A 1 metre length on the northwest corner

**10. ST CATHERINE STREET**

The north side from its junction with Onslow Road in an easterly direction for a distance of 6 metres

**11. STANLEY STREET**

The southwest side from its junction with Lennox Road North in a north-westerly direction for a distance of 9 metres

**12. TANGIER ROAD**

The south side from a point 313 metres west of its junction with Eastern Road in a westerly direction for a distance of 83 metres



### **SCHEDULE 3**

(See Article 4)

#### **NO WAITING**

#### **MONDAY AND FRIDAY 8AM - 1PM**

Length of Roads and Side of Length of Roads

- |                   |   |
|-------------------|---|
| 1. DENVILLE CLOSE | The west side from its junction with Old Farm Way in a northerly direction for a distance of 28 metres  |
| 2. OLD FARM WAY   | The north side from its junction with Denville Close in a westerly direction for a distance of 2 metres |

## **SCHEDULE 4**

(See Article 5)

### **NO WAITING AT ANY TIME EXCEPT AMBULANCES**

Length of Road and Side of Length of Road

#### **1. LINDISFARNE CLOSE**

The south side from a point 30 metres east of its junction with Lindisfarne Close in an easterly direction for a distance of 11 metres, within the layby

## **SCHEDULE 5**

(See Article 6)

### **SCHOOL KEEP CLEAR MONDAY TO FRIDAY 8AM - 4PM**

Length of Road and Side of Length of Road

#### **1. COURT LANE**

The west side from a point 30 metres north of its junction with Hilary Road in a northerly direction for a distance of 37 metres

## **SCHEDULE 6**

(See Article 6a)

### **LOADING ONLY**

Length of Road and Side of Length of Road

#### **1. MARMION ROAD**

The southwest side from a point 5 metres north-west of its junction with Victoria Road South in a north-westerly direction for a distance of 9 metres

**CITY COUNCIL'S REASONS FOR MAKING THE ORDER**

- 1) To introduce parking restrictions in various roads across the city to improve road safety, pedestrian safety, visibility and traffic management (reducing congestion), and/or to improve access for the emergency services, public services, delivery vehicles and refuse collection vehicles
- 2) To amend, introduce and/or remove parking restrictions to accommodate changing local needs and ensure the most effective use of the public highway
- 3) To accommodate new bicycle stands in Albert Road, Southsea

Given under the Common Seal  
of the Portsmouth City Council this

22<sup>ND</sup>

day of

December

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

*June-Louise Taft*

