

## CITY OF PORTSMOUTH

### THE PORTSMOUTH CITY COUNCIL (HOUSING SERVICE PARKING AREAS: LANDPORT & STAMSHAW) (OFF-STREET PARKING PLACES) (NO 41) ORDER 2008

The Portsmouth City Council (hereinafter referred to as 'the Council') under sections 35(1) and (3) 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;

**"Disabled Person's Vehicle"** means a vehicle lawfully displaying a Disabled Person's Badge;

**"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 by name in Column 1 of Schedule 1;

**"Parking Bay"** means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

**"Parking Charge"** means the sum payable for a valid parking permit as specified in the Schedule of this Order and/or any notice issued by or under or pursuant any enactment;

**"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;

**"Permit"** means any season ticket, permit or dispensation issued by Portsmouth City Council to be used in lieu of a Parking Charge, and;

**"Relevant Position"** means:

- (a) In the case of a vehicle fitted with a front windscreen, that the parking ticket(s), Permit, Disabled Person's Badge or other parking device is/are:
  - (i) exhibited on the off-side of the vehicle on the inside of the front windscreen, or
  - (ii) in a prominent place on the off-side of the vehicle immediately behind the front windscreen, and
  - (iii) with all particulars legible from outside the front of the vehicle.
- (b) In the case of a vehicle not fitted with a front windscreen that the parking ticket(s), Permit, Disabled Person's Badge or other parking device is/are:
  - (i) exhibited in a prominent and conspicuous place on the front, near-side of the vehicle, and
  - (ii) with all particulars legible from the front of the vehicle.

## **PART II**

### **USE OF A PARKING PLACE**

#### **3. Designation and Use of Land and Parking Place**

- (a) Each area of land specified by name in Column 1 of Schedule 1 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 and during such hours as are specified in relation to that area in Schedule 1.
- (b) The limits of each Parking Place and the limits of any Parking Bay shall be indicated by the Council with surface markings and signs where appropriate.
- (c) Any person leaving a vehicle in a Parking Bay shall ensure that the whole of the vehicle is contained within the limits of an individual Parking Bay and in accordance with the signage.
- (d) Where in Schedule 1 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.
- (e) Where within a Parking Place there is a sign or surface marking which indicates that a Parking Bay is available only for a Disabled Person's Vehicle, no person shall cause or permit a vehicle to wait in that Parking Bay unless it is a Disabled Person's Vehicle that lawfully displays in the Relevant Position a Disabled Person's Badge
- (f) 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.

- (g) No person shall cause or permit a vehicle to be used on a Parking Place so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.
- (h) 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.
- (i) 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. **Parking Charges**

- (a) Nothing in this Article shall render it unlawful to cause or permit a vehicle to use a Parking Place as specified in Column 1 of Schedule 1 if the vehicle displays in the Relevant Position a valid Permit for the Parking Place in which the vehicle is left.
- (b) When a valid parking permit has been exhibited on a vehicle in accordance with the provisions of this Article, no person, other than the Driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the Driver.

#### 5. **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 the written consent of 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 car park 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 brigade or ambulance purposes.

## 6. **Moving or Removal of Vehicles**

- (a) If a vehicle is left in a Parking Place as specified in Column 1 of Schedule 1 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 Column 1 of Schedule 1 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 Schedule 1 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.

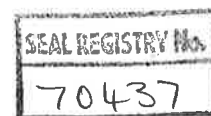
**7. Penalty Charge**

- (a) A failure by any person to comply with any requirement of Articles 3, 4 and 5 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 (Housing Service Parking Areas) (Off-Street Parking Places) (No 41) Order 2008 and shall come into operation on 10<sup>th</sup> March 2009.

Given under the Common Seal of the Portsmouth City Council this 24<sup>th</sup> day of February 2009.

**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



**Reason for the Order:** To allow the designated parking areas to be used by residents as intended, and prevent parking by non-residents.

**SCHEDULE**  
**(See Articles 3 & 4)**

**OFF-STREET PARKING PLACES**

**PERMIT HOLDERS ONLY**

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLE MUST WAIT	CLASSES OF VEHICLE	PERIOD OF OPERATION OF PARKING PLACE	SCALE OF PARKING CHARGES
<p>1. <b>FIFTH STREET</b> The four parking areas set back from the highway, outside Nos. 2-32</p> <p>2. <b>UNION PLACE</b> The two parking areas set back from the highway, outside Boxgrove House and Milford House</p> <p>3. <b>HALLOWELL HOUSE and FOLEY HOUSE</b> car park (off Staunton Street)</p> <p>4. <b>CATSFIELD HOUSE and BLENDWORTH HOUSE</b> parking areas (off Commercial Place)</p>	As indicated by markings on the ground or by an attendant authorised by the Council.	<p>1. Motor Cars as defined in Section 136 of the Act of 1984.</p> <p>2. Motor Cycles as defined in Section 136 of the Act of 1984.</p> <p>3. Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1 ton.</p>	7 days a week 24 hours a day	<p><b>PERMIT HOLDERS ONLY</b></p> <p>Blue Badge Holders NOT exempt</p>

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLE MUST WAIT	CLASSES OF VEHICLE	PERIOD OF OPERATION OF PARKING PLACE	SCALE OF PARKING CHARGES
<p>1</p> <p>5. IDSWORTH HOUSE parking area (off Crasswell Street)</p> <p>6. NICHOLSON GARDENS car park (Boarhunt Close)</p> <p>7. AUSTRALIA CLOSE car park (off Buriton Street)</p> <p>8. SETTLERS CLOSE car park (off Buriton Street)</p> <p>9. CANBERRA HOUSE car park (off Buckingham Street)</p> <p>10. HASTINGS HOUSE car parks</p> <p>(a) at the western end of Strode Road</p> <p>(b) at the western end of Gruneisen Road</p>	<p>2</p> <p>As indicated by markings on the ground or by an attendant authorised by the Council.</p>	<p>3</p> <p>1. Motor Cars as defined in Section 136 of the Act of 1984.</p> <p>2. Motor Cycles as defined in Section 136 of the Act of 1984.</p> <p>3. Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1 ton.</p>	<p>4</p> <p>7 days a week 24 hours a day</p>	<p>5</p> <p>PERMIT HOLDERS ONLY</p> <p>Blue Badge Holders NOT exempt</p>