

CABINET (TRAFFIC AND PARKING) COMMITTEE

22 January 2008

EMERGENCY EXPERIMENTAL TRAFFIC REGULATION ORDER – CHURCH ROAD AND  
NEW ROAD, SWANMORE

REPORT OF THE HEAD OF ACCESS AND INFRASTRUCTURE

Contact Officer: Neville Crisp Tel No: 01962 848484

RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

It was considered necessary to introduce 'No waiting Monday to Friday 8am to 4pm' in Church Road and New Road, Swanmore as shown in Appendix 2 in the form of an emergency experimental traffic order to ensure the safety of road users and school children in particular.

This order was implemented and the restrictions introduced on 30 November 2006. Since this time, the order has proven to be effective and has received no comments or objections. It is therefore proposed to make the restrictions permanent.

RECOMMENDATIONS:

1. That work be carried out for the waiting restrictions covered in the experimental traffic regulation order for Church Road and New Road, Swanmore to be made permanent.
2. That the Head of Legal Services be authorised to make a permanent order as set out in Recommendation 1.

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

The proposal is in keeping with the Corporate Strategy in its attempt to provide a high quality environment & safe and strong communities.

3 RESOURCE IMPLICATIONS:

The cost of implementing the traffic regulation order and associated signs and lining work is covered by the Traffic Management agreement with Hampshire County Council.

4 BACKGROUND DOCUMENTS:

Correspondence on Development Services files Ref: 70090013 & 810402/092.

Report to Chief Executive – 9 November 2006

5 APPENDICES:

Appendix A: Statement of Reasons and Schedule for proposed Order

Appendix B: Drawing No. 810402/092/003 showing extent of proposed restrictions

Appendix C: Experimental Order

**PROPOSED NEW ORDER-**WINCHESTER CITY COUNCILROAD TRAFFIC REGULATION ACT 1984THE WINCHESTER CITY COUNCIL (CHURCH ROAD AND NEW ROAD, SWANMORE)  
(EXPERIMENTAL) (RESTRICTION OF WAITING) ORDER 2006**STATEMENT OF REASONS:-**

The scheme is being proposed on traffic management and road safety grounds to prevent obstructive parking of vehicles in the vicinity of the junction and school entrance.

<b><u>SCHEDULE 1 – PROPOSED NO WAITING (Monday to Friday 8am to 4pm)</u></b>		
<b>NAME OF ROAD</b>	<b>SIDE</b>	<b>DESCRIPTION</b>
CHURCH ROAD, SWANMORE	BOTH SIDES	FROM A POINT 137.0 METRES NORTH-WEST OF ITS JUNCTION WITH NEW ROAD TO A POINT 34.4 METRES SOUTH-EAST OF THAT JUNCTION
NEW ROAD, SWANMORE	BOTH SIDES	FROM ITS JUNCTION WITH CHURCH ROAD TO A POINT 50.5 METRES SOUTH-WEST OF THAT JUNCTION



Scheme Ref.	S
Sign Reference	20.0
Sign Face	BLACK
Background	YELLOW
Width	255mm
Height	130mm
Material	Class 1
Area	0.03sq.m.

10 No. signs to Dia 650.1.  
 Single yellow lines to Dia 1017  
 (50 mm wide)

Rev.	Description	Date	Drawn



**Winchester**  
 City Council

DEVELOPMENT SERVICES  
 ENGINEERING  
 City Offices  
 Colebrook Street  
 Winchester,  
 SO23 9LJ.

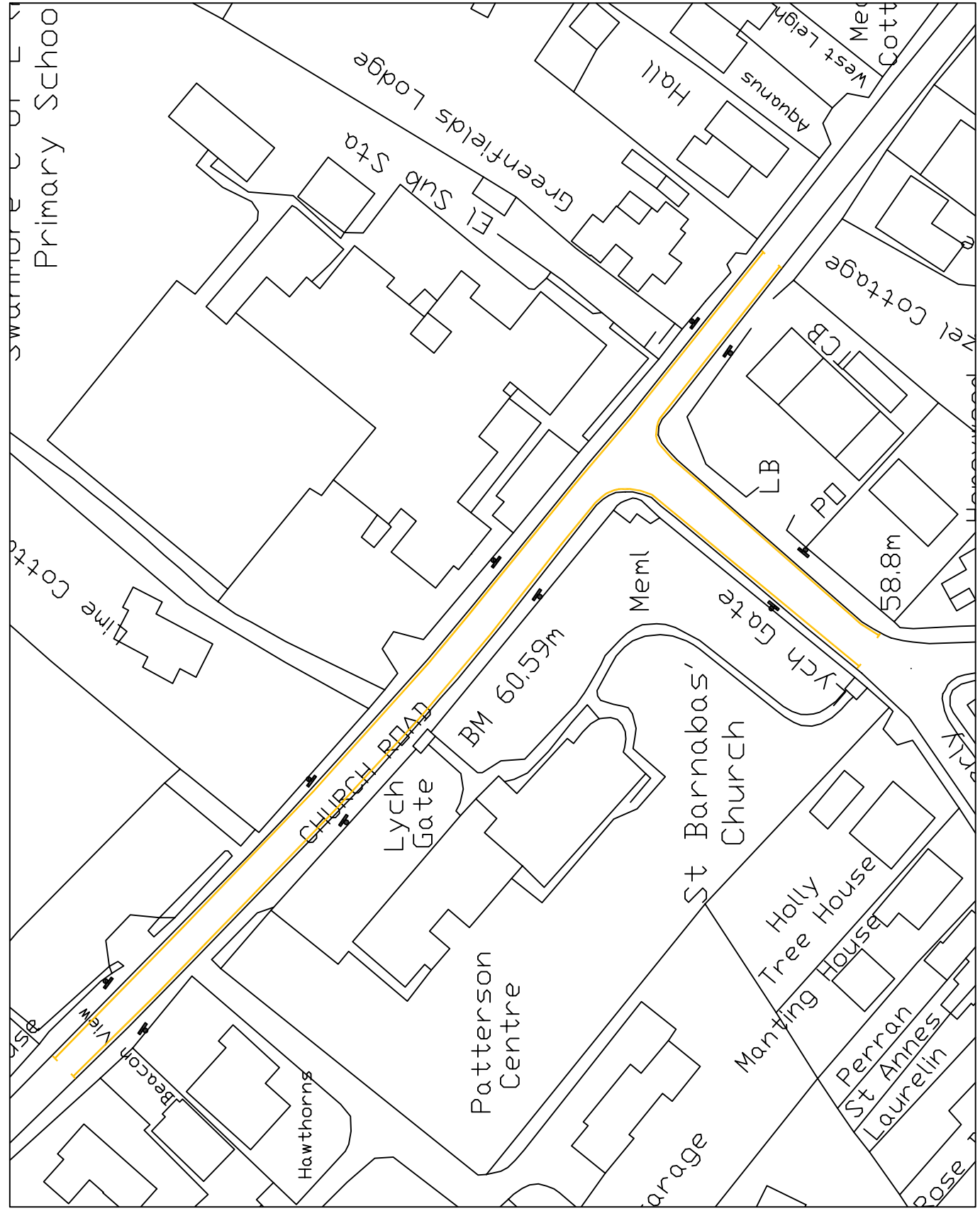


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Project:  
 EXPERIMENTAL WAITING RESTRICTIONS

Title:  
 PROPOSED RESTRICTIONS  
 CHURCH ROAD NEW ROAD  
 SWANMORE

Scale:	NTS	Date:	NOV 2006
Drawn:	INVC	Checked:	
DRG. No.	810402/092/003		



WINCHESTER CITY COUNCIL

ROAD TRAFFIC REGULATION ACT, 1984

THE HAMPSHIRE (CHURCH ROAD AND NEW ROAD, SWANMORE)  
(EXPERIMENTAL) TRAFFIC REGULATION ORDER 2007

Winchester City Council acting as agents on behalf of Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 9, 32, 35, 45, 46, 49, 51 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), as amended by the Road Traffic Regulation (Parking) Act 1986, 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 makes the following Order:-

PART I - GENERAL

1. In this Order

"the Council" means Hampshire County Council or, as the case may be, Winchester City Council acting as Hampshire County Council's agents;

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

"disabled person's vehicle" means a motor vehicle being driven by a disabled person, or used for the carriage of a disabled person, which is displaying at the relevant time 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 the parking place;

"goods" include postal packets of any description; and

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

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer;

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

"one-way street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction;

"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 disc" means a disc, issued by a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

"parking place" means any part of a road authorised by this Order to be used as a parking place;

"passenger vehicle" means a motor vehicle which is constructed or adapted solely for the carriage of not more than twelve passengers, exclusive of the driver, and their effects and is not drawing a trailer;

"relevant vehicle" means a passenger or goods vehicle with an unladen weight of 2 tonnes or less, provided that no such vehicle exceeds 6 metres in length;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression "relevant position" in this Order.
3. 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.
4. Save where specifically provided in this Order, no other traffic regulation orders are revoked by this Order.

#### PART II - AUTHORISATION AND USE OF PARKING PLACES

5. (1) Each of the parts of a road specified in Schedule I to this Order is authorised to be used subject to the following provisions of this Order as a parking place for such classes of vehicles, on such days and during such hours as are specified in relation to that part of the road in the said Schedule.
- (2) Any person duly authorised by the Council or a police constable in uniform may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary provided that no such suspension effected solely by a police constable in uniform shall continue for a period greater than twenty-four hours.
6. Where in Schedule I to this Order a parking place is described as available for vehicles of a specified class, the driver of the vehicle shall not permit it to wait in that parking place:-
  - (a) unless it is of the specified class;
  - (b) unless it is a motorcycle; or
  - (c) unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority; and
  - (d) unless
    - (i) if the parking place is not in a one-way street, the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
    - (ii) if the parking place is in a one-way street the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent to the right-hand edge of the carriageway, and

- (iii) it is positioned within the parking areas defined by white lines on the surface of the road.

7. A driver of a vehicle shall not use a parking place:-
  - (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 the use of that parking place has been suspended in accordance with Article 5(2) of this Order.
8. The driver 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 in or to depart from the parking place.
9. 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 unless he does so from the vehicle itself and the period of waiting does not exceed 20 minutes.
10. A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in column 5 of Part 1 of Schedule I to this Order.
11. In column 5 of Part I of Schedule I to this Order references to the period of time within which the return of a vehicle is prohibited shall be deemed to prohibit that vehicle from subsequently waiting in any of the parking places referred to in any other parts of that Schedule, within that period of time.
12. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 5, Article 6 or Article 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(d) 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.
13. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.
14. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 12 of this Order, he shall made such arrangements as may be reasonably necessary for the safe custody of the vehicle.
15. A police constable in uniform or a traffic warden may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

16. (1) Nothing in this Order shall make it unlawful to cause or permit any vehicle to wait at any time in a parking place other than a parking place or part of a parking place the use of which has been suspended, if:-
- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
  - (c) the vehicle is a vehicle being used for fire and rescue service purposes, an ambulance, a vehicle under the control of a Doctor on Duty for so long as may be necessary for him to visit a patient, a vehicle in the service of a Local Authority or Health Authority or a vehicle in the service of a Police force in either case being used in pursuance of statutory powers or duties or a vehicle being used by a minister of religion for so long as may be necessary in the course of his duties;
  - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (e) the vehicle is in the service of or employed by the Postmaster General or any company authorised by the Postmaster General to act on his behalf and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
  - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;
  - (g) the vehicle is waiting only for so long as is necessary to enable goods to be loaded onto or unloaded from the vehicle;
  - (h) the vehicle is waiting to enable a pupil attending any school to be picked up or set down in connection with the attendance of that pupil at that school, provided no such period of waiting shall exceed 20 minutes;
  - (i) the vehicle is waiting to take in petrol, oil, water or air from any garage situated on or adjacent to the said parking place; or
  - (j) the vehicle is waiting at or near to any premises situated on or adjacent to the said parking place for so long as is reasonably necessary in connection with any wedding or funeral.



- (2) Nothing in this Order shall render it unlawful to cause or permit any vehicle being used for fire and rescue service, ambulance or police purposes or any vehicle being used for any purpose specified in paragraph (1)(b), (d) or (e) of this Article to be left in the parking place or part of a parking place the use of which has been suspended, or for any other vehicle to be so left if that vehicle is left with the permission of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (2) of Article 5.
17. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e), (f) or (g) of paragraph (1) of Article 16 of this Order shall take all such steps as are necessary to ensure that the vehicle waits in accordance with the requirements of Article 7 of this Order.

### PART III - RESTRICTION OF WAITING

18. Save as provided in Articles 19, 20, 21, 22 and 23 of this Order, no person shall cause or permit any vehicle to wait:-
- (i) on any of the sides of road and between the hours and on the days specified in Schedule II to this Order.
19. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road referred to in that Article upon the direction or with the permission of a police constable in uniform or traffic warden, or with the permission of the Chief Officer of Police given by means of an exemption certificate displayed on or adjacent to the nearside of the front windscreen of the vehicle, provided that no condition imposed on the use of that certificate at the time of issue has been breached.
20. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road referred to in that Article for so long as may be necessary:-
- (a) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the following operations namely:-
- (i) building or demolition;
- (ii) the removal of any obstruction to traffic;
- (iii) the maintenance, improvement or reconstruction of the said sides of road;
- (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said sides of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or telecommunications;
- (b) to enable 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 the vehicle to be used in the service of the Post Office for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;

- (d) to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of road;
  - (e) to enable the vehicle to wait at or near to any premises situated on or adjacent to the said sides of road for so long as is reasonably necessary in connection with any wedding or funeral;
  - (f) to enable the vehicle to be used for fire and rescue services, ambulance or police purposes; or
  - (g) to enable the vehicle to wait owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident.
21. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road specified in Schedule II and any other Schedule of this Order relating to restrictions on loading, for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle (except during any hours specified in such Schedules during which times loading is stated to be prohibited).
22. Nothing in Article 18 of this Order 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 on any of the sides of road specified in Schedules II for a period not exceeding three 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 of road on the same day).

#### PART IV – HACKNEY CARRIAGES

23. Nothing in this Order shall:
- a) render it unlawful to cause or permit any vehicle to wait on any side of road if that vehicle is a hackney carriage waiting at an authorised hackney carriage stand;
  - b) be deemed to authorise or permit any vehicle which is not a hackney carriage to wait at an authorised hackney carriage stand;
- during any period that that stand is so authorised.
24. This Order shall come into operation on the 18<sup>th</sup> day of January 2007 and shall remain in force until the 17<sup>th</sup> day of July 2008 or such earlier date as the Council shall determine.
25. The Hampshire (Church Road and New Road, Swanmore) (Experimental ) Order 2006 shall be revoked upon the coming into operation of this Order.
26. This Order may be cited as "The Hampshire (Church Road and New Road, Swanmore) (Experimental) Order, 2007."

GIVEN this 11<sup>th</sup> day of January 2007

THE COMMON SEAL of WINCHESTER)  
CITY COUNCIL was hereunto )  
affixed in the presence of:- )

City Secretary and Solicitor

SCHEDULE IRoads in the Parish of Swanmore & NewtownParking PlacesPART I

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Situation of parking place</b>	<b>Class of vehicles</b>	<b>Days of operation of parking place</b>	<b>Hours of operation of parking place</b>	<b>Maximum period for which vehicles may wait</b>
NONE				

SCHEDULE II

Roads in the Parish of Swanmore and Newtown  
No Waiting (Monday to Friday between 08.00am  
and 4.00pm)

<u>Name of Road</u>	<u>Side</u>	<u>Description</u>
Church Road	Both sides	From a point 137.00 metres north-west of its junction with New Road to a point 34.4 metres south-east of that junction.
New Road	Both Sides	From its junction with Church Road to a point 50.5 metres south-west of that junction.

SCHEDULE III

Roads in the Parish of Swanmore and Newtown  
No Waiting at Any Time & No Loading at Any Time

<b>Road Name</b>	<b>Side</b>	<b>Description</b>
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-----NONE-----