

CONFIDENTIAL

Title of Report: Parking Restrictions Davis Street
Paper No: 77/11
Date: 24 March 2011
Report of: Director of Public Works

1.0 Purpose

1.1 To seek, by means of regulation under Section 59 of the Road Traffic Ordinance (Title 63.1), the implementation of Parking Restrictions on part of Davis Street just east of Philomel Street Junction.

2.0 Recommendations

2.1 That parking restrictions be approved for the southern side of Davis Street, between the junction with Philomel Street and an imaginary line projected from the boundary between 56 Davis Street and 58 Davis Street.

2.2 That the Davis Street at Philomel Street (Parking Control) Order 2011 effecting this control and attached at Appendix B be approved.

2.3 That the new restrictions come into force from 11 April 2011 (allowing time for the yellow line to be painted and appropriate publicity to be given).

3.0 Summary of Financial Implications

3.1 None.

4.0 Background

4.1 The parking of cars in the vicinity of the junction with Philomel Street increases the risk of collision between vehicles turning east on to Davis Street from Philomel Street and those travelling westwards along Davis Street and having to use the northern half of the carriageway due to vehicles parked on the southern half.

4.2 Consultation between RFIP and PWD resulted in a proposal being discussed at the Police Committee on 04 February 2011 when the Chief Police Officer circulated a plan and explained that the RFIP were in favour of extending parking control on the east side of the junction of Davis Street and Philomel Hill up to the boundary fence between the properties at 56 and 58 Davis Street. The extension of the parking control is considered necessary to

improve road safety in the area. A plan showing the affected area is attached as Appendix A.

4.3 It is recommended that the following parking restrictions be approved and implemented by regulation under Section 59 of the Road Traffic Ordinance (Title 63.1) and should come into force on 11 April 2011.

4.3.1 Limits of No Parking Area:

(a) The Southern side of Davis Street between the junction with Philomel Street and the boundary line between 54 and 56 Davis Street;

4.4 Impacts on Other Parking

The placing of parking restrictions on this section of Davis Street will in practical terms remove one on street parking space as some of the affected length is across the access into the off street parking at 56 Davis Street.

5. Financial Implications

The cost of provision and erection of the required signage will be met from within the present budget of the Public Works Department.

Investigation of off street parking options will not incur additional costs.

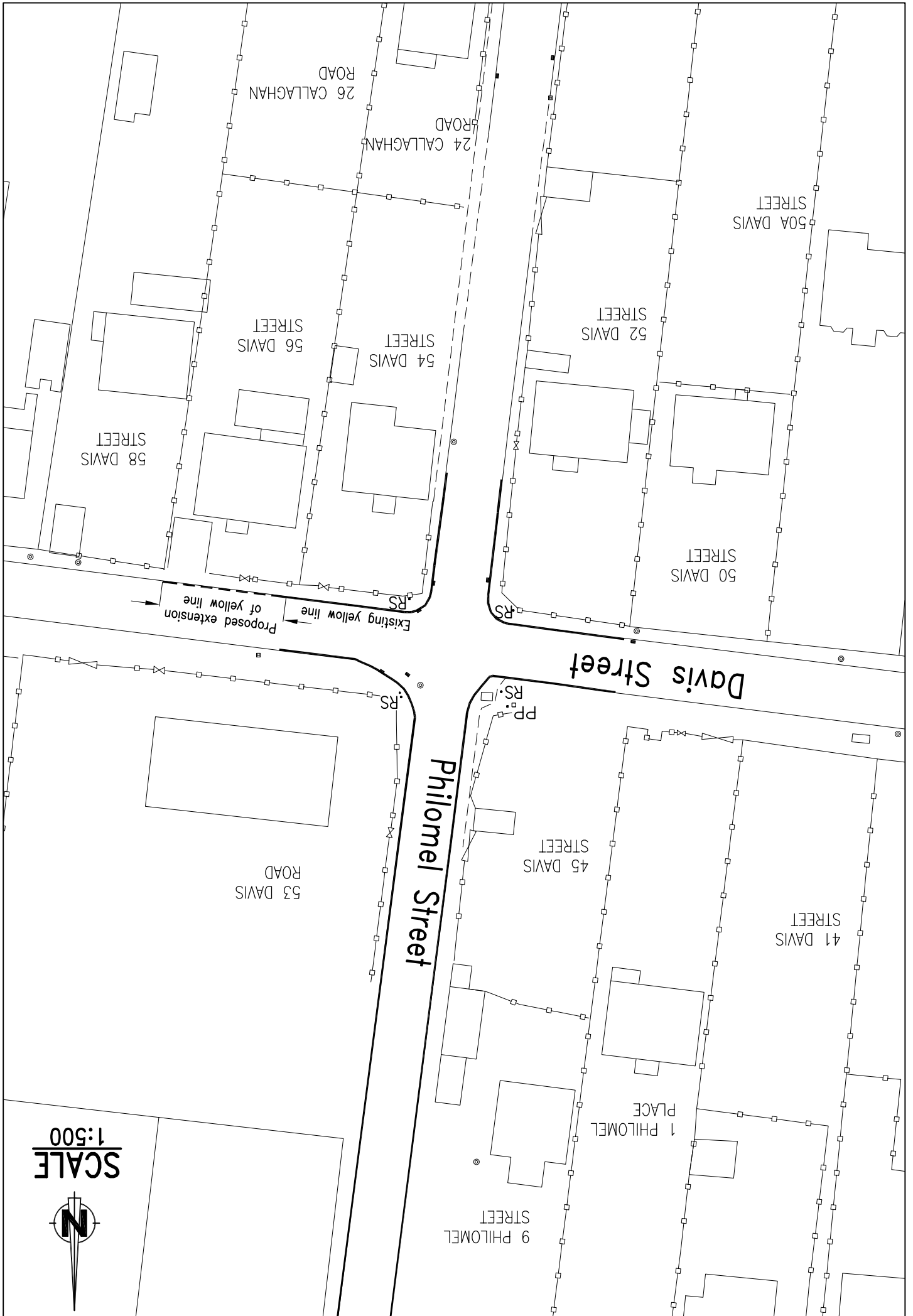
No other financial implications are foreseen at this stage.

6.0 Legal Implications

The parking ban and restrictions, if approved, will be implemented by regulation under Section 59 of the Road Traffic Ordinance (Title 63.1) and would come into force on 11 April 2011 publication in the Gazette. A copy of the draft Order is attached at Appendix B.

7.0 Human Resources Implications

There are no human resources implications in this proposal.



SCALE
1:500



Appendix B

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Davis Street at Philomel Street (Parking Control) Order 2011

S. R. & O. No. of 2011

Made: 2011

Published: 2011

Coming into force: 11 April 2011

I make this order under section 59(1)(m)(iii) of the Road Traffic Ordinance (Title 63.1) on the advice of the Executive Council.

1. Title

This order is the Davis Street at Philomel Street (Parking Control) Order 2011.

2. Commencement

This order comes into force on 11 April 2011.

3. Interpretation

In this order —

“local property” means a property adjoining the No Parking area or nearby it;

“No Parking area” means the southern half of the carriageway of Davis Street (and the pavement adjacent to it) between —

- (a) the eastern side of its junction with Philomel Street; and
- (b) an imaginary line projected from the boundary between 56 Davis Street and 58 Davis Street; and

“parking”, in relation to a motor vehicle, includes stopping, standing or waiting —

- (a) for any reason;
- (b) for any period of time (however short); and
- (c) whether or not anyone is in or with the vehicle.

4. No Parking area

- (1) A person must not park a motor vehicle or a trailer in the No Parking area at any time.
- (2) Paragraph (1) does not prohibit parking to the extent that it is covered by an exception in article 5.

5. Exceptions

(1) This article sets out the extent to which a person may park a motor vehicle or a trailer in the No Parking area in what would otherwise be contravention of article 4.

(2) A person may park if both —

(a) either —

(i) the person was required by law to stop (or park in some other way);

(ii) the person stopped in order to avoid an accident; or

(iii) the person was prevented from proceeding by circumstances beyond that person's control; and

(b) the person either —

(i) drives the motor vehicle or the trailer to a place outside the No Parking area as soon as reasonably practicable;

(ii) removes it from the No Parking area as soon as reasonably practicable; or

(iii) takes reasonable steps to have it removed from the No Parking area as soon as reasonably practicable.

(3) A person may park (for as long as reasonably necessary for the purpose but no longer) —

(a) to remove another vehicle or an obstruction;

(b) in connection with the repair or maintenance of either —

(i) the road (or the pavement adjacent to it); or

(ii) public services in the road or nearby it;

(c) for police, fire service or ambulance purposes;

(d) if both —

(i) the purpose of parking is to deliver goods or materials to a local property (or to collect goods or materials from there); and

(ii) the delivery (or collection) cannot reasonably be done with the motor vehicle or trailer parked outside the No Parking area because of —

(aa) the quantity or nature (or both) of the goods or materials;

(bb) other circumstances;

(cc) a combination of those factors;

(e) if both —

(i) the purpose of parking is to drop off one or more passengers and their luggage at a local property (or to pick up one or more passengers and their luggage from there); and

(ii) the drop off (or pick up) cannot reasonably be done with the motor vehicle or trailer parked outside the No Parking area because of —

(aa) the physical condition of a passenger;

(bb) the quantity or nature (or both) of luggage;

(cc) other circumstances;

(dd) a combination of more than one of those factors; or

(f) if both —

(i) it is a taxi that has been hired to pick up one or more passengers from a local property; and

(ii) there is no place outside the No Parking area where the taxi may conveniently wait to pick up the passengers and their luggage.

(4) A person may also park with the authority of either —

(a) a police officer in uniform; or

(b) the Director of Public Works.

6. Offences

(1) It is an offence to park a motor vehicle or trailer in contravention of article 4.

(2) Paragraph (1) does not make parking a motor vehicle or trailer an offence to the extent that the parking is covered by an exception in article 5.

(3) A person convicted of an offence against paragraph (1) is liable to a fine of up to £200.

7. Signs

(1) The Director of Public Works may arrange for signs or notices to be erected and displayed to draw attention to the effect of this Order (or any of its provisions).

(2) The Director of Public Works may also arrange for road markings to be made to draw attention to the effect of this Order (or any of its provisions).

(3) It is not a defence in a prosecution for an offence against article 6 that —

(a) a sign or notice —

(i) had not been erected;

(ii) was not displayed properly; or

(iii) had been altered, concealed, defaced, damaged or destroyed; or

(b) a road marking —

(i) had not been made;

(ii) had not been made properly; or

(iii) had been altered, concealed, defaced, damaged or obliterated.

Made

2011

N. R. Haywood C.V.O.,
Governor.

EXPLANATORY NOTE
(not forming part of the order)

Section 59(1)(m)(iii) of the Road Traffic Ordinance (Title 63.1) allows the Governor to control the use of roads and, in particular, to prohibit the parking of motor vehicles on a road (either absolutely or during specified hours in the day).

This order will come into force on 11 April 2011.

Parking on Davis Street in the vicinity of its junction with Philomel Street is already prohibited within 15 metres of the junction. From 11 April 2011, parking will also be prohibited on the south side of Davis Street in front of 56 Davis Street.

There will be a number of exceptions and these are described in article 5.

Parking in breach of the prohibition will be an offence with a maximum fine on conviction of £200.

The Director of Public Works will have the power to draw attention to the effect of the order and its provisions by means of signs and/or road markings. However, signs and road markings will not affect whether or not an offence is committed.