

**Ashford Borough Council
(Off-Street Parking Places) Order 2007
(AMENDMENT NO. 5)
ROAD TRAFFIC REGULATION ACT 1984**

Ashford Borough Council ("the Council") and in exercise of its powers under Sections 32, 33, 35, 124 and of Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") and of all other powers enabling it in the behalf and with the consent of the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:-

INTERPRETATION

Article 3 (1) ("Interpretation") in The Ashford Borough Council (Off-street Parking Places) Order 2007 (as amended) shall be replaced with the attached Article 3 (1)

ARTICLES

Articles 7 (3) and 7 (5) of section entitled "Use of Parking Places" in The Ashford Borough Council (Off-street Parking Places) Order 2007 (as amended) shall be replaced with the attached Articles 7 (3) and 7 (5)

IN SCHEDULE 2 OF THE ORDER

Schedule 2 of The Ashford Borough Council (Off-street Parking Places) Order 2007 (as amended) to be amended with the addition of entry relating to **Elwick Road Car Park**.

ASHFORD BOROUGH OFF-STREET PLANS

The plan for the **Elwick Road Car Park, Ashford** to be inserted into to the Ashford Borough Off-Street Plans ("the Off-Street Plans")

To make a number of minor administrative changes to the existing order.

This Order may be cited as "Ashford Borough Council (Off-Street Parking Places) Order 2007 (Amendment No.5)" and shall come into operation on the 31st day of AUGUST 2017.

GIVEN under the **COMMON SEAL**
of the **ASHFORD BOROUGH COUNCIL**
which was hereunto affixed this day

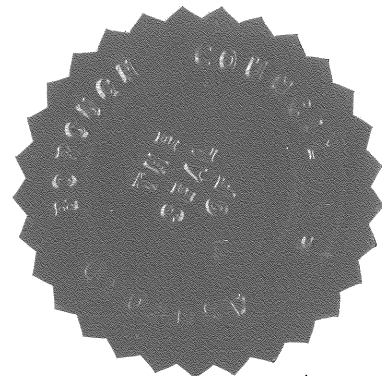
23rd of August 2017.

Deputy Mayor

Jessamy Blanton

Director of Law and Governance Solicitor

J Gill



19,731

Interpretation

3 (1) In this Order the following expressions have the meanings assigned to them except where the context requires otherwise:

"the 1984 Act"	means the Road Traffic Regulation Act 1984.
"the 1991 Act"	means the Road Traffic Act 1991
"the 2004 Act"	means the Traffic Management Act 2004.
"Camper Van"	has the same meaning as "Motor Caravan" (see below)
"civil enforcement officer"	means a person authorised by or on behalf of the Council to supervise parking places and enforce the provisions of this Order and as is defined by Section 76(a) of the 2004 Act.
"Coach"	has the same meaning as that which is set out in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 S.I. 1078.
"the Council"	means Ashford Borough Council.
"Disabled Person's Badge"	has the same meaning as that which is set out in Regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 S.I. 683.
"Driver"	in relation to a Vehicle in a Parking Place means the person driving or having control or charge of the said Vehicle, or the person having driven or having had control or charge of the Vehicle that entered or was left in the Parking Place.
"Goods Vehicle"	means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description.
"Invalid Carriage"	has the same meaning as that set out in Section 136(5) of the 1984 Act.
"licensed taxi"	means a vehicle licensed as a hackney carriage under section 37 of the Town Police Clauses Act 1847, as amended

“Minibus”	has the same meaning as that which is set out in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986
“Motor Caravan”	has the same meaning as Special Purpose Vehicle (Code ‘SA’) which is set out in Section 5.1 of EU Commission Regulation No 678/2011, as amended
“Motor Cycle”	has the same meaning as that which is set out in Section 136(4) of the 1984 Act.
“Off-street Plans”	means the Ashford Borough Off-Street Plans which are incorporated into this Order pursuant to Article 1(2) hereof.
“Owner”	has the meaning assigned to it by Section 92(1) of the Traffic Management Act 2004.
“Parking Attendant”	means a Parking Attendant as defined in Section 63A of the 1984 Act, and may also be interpreted to have the same meaning as “Civil Enforcement Officer”.
“Parking Bay”	means an area in a Parking Place delineated by white, yellow (or otherwise) markings to indicate the position in which a Vehicle shall be parked in that Parking Bay.
“parking charge”	means an amount ascertained by reference to the scales specified in Column 8 of Schedule 2 (or such other amount as shall be notified in accordance with Section 35C(1) of the 1984 Act) which has been paid at; a Ticket Machine, or to a Civil Enforcement Officer, or by using the Council’s “pay by phone” arrangements or as otherwise deemed appropriate by the Council under the provisions of this Order in respect of a Vehicle left in that parking place for a parking period.
“Parking Disc”	has the same meaning as that which is set out in Regulation 8(5) of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 S.I. 683.
“Parking Period”	means a period of time within the chargeable hours set out in Column 5 of Schedule 2 for which a Parking Charge has been paid.
“Parking Place”	has the same meaning as that set out in Section 32(4)(b) of the 1984 Act and is as stipulated in Column 1 of Schedule 2 and on the relevant Off-Street Plan.
“Parking Ticket”	means a ticket issued in accordance with Article 7(1) identifying a specific Parking Place, date and time of expiry of the Parking Period.
“Pay and display”	means a system of payment of a parking charge for the parking of motor vehicles used at car parks where pre-paid tickets must be obtained and be displayed in the appropriate manner within the vehicle for the entire period that the vehicle is parked, unless payment for parking has been made by “pay by phone”.
“Pay by phone”	means a method of payment for a parking period whereby a

	<p>parking charge (and any appropriate administration charge*) is collected by a Borough Council appointed third party, via an arranged account, with payment being made over the telephone or by other electronic system (including via the internet) by credit or debit card or other means of secure authorised payment.</p> <p>*‘Pay by Phone’ transactions attract additional charges to those stated within the schedules of the order as the ‘scale of parking charges’ to be paid by the applicant to cover the administration of the operator and costs incurred during the transaction process.</p> <p>The additional transaction charges should be made public by the operator as part of the transaction process.</p> <p>Telephony charges incurred in the costs of making the transaction depend on network provider and phone service and are the responsibility of the applicant.</p>
“Penalty Charge”	means a charge set in accordance with the provisions of the 1991 Act payable to the Council following the issue of a penalty charge notice.
“Permit”	means a non-transferable document issued by the Council in accordance with Article 10 which when displayed in the Relevant Position and used in accordance with the particulars stipulated thereon provides authority for the specified Vehicle to remain in a specified Parking Place(s) without displaying a valid Parking Ticket.
“Relevant Position”	<p>means:</p> <p><i>In the case of a Parking Ticket or a Season Ticket - a Vehicle displays a Parking Ticket or a Season Ticket in the Relevant Position if the said ticket is exhibited in a conspicuous position within the said Vehicle so that the side of the ticket marked “THIS SIDE UP” is clearly visible and can be read from outside the said Vehicle;</i></p> <p><i>In the case of a Disabled Person’s Badge and a Parking Disc -</i> A Vehicle displays a Disabled Person’s Badge and a Parking Disc in the Relevant Position if the badge or disc is displayed in accordance with Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 S.I. 683;</p> <p><i>In the case of a Permit – a Vehicle displays a Permit in the Relevant Position if the said Permit is exhibited in a conspicuous position within the said Vehicle so that the side of the said Permit marked “THIS SIDE UP” is</i></p>

	clearly visible and can be read from outside the said Vehicle.
"Season Ticket"	means a non-transferable Season Ticket issued by the Council in accordance with Article 9 which when displayed in the Relevant Position shall permit the Vehicle(s) specified on the said Season Ticket to park without displaying a valid Parking Ticket.
"Taxi"	has the same meaning as "licensed taxi" (see above)
"Ticket Machine"	means an apparatus installed in a Parking Place to issue a Parking Ticket.
"Vehicle"	has the same meaning as that assigned to "motor vehicle" in section 136(1) of the 1984 Act.

Use of Parking Places

7 (3) A Vehicle shall not remain in a Parking Place or part thereof that has been reserved by means of a sign or surface marking for use by:

Permit-holder Vehicles

(a) specific Permit-holders holding a valid Permit for the said Parking Place or part thereof unless the said vehicle displays a valid Permit for that Parking Place or part thereof in accordance with Article 7(5)(c).

Disabled Person's Badge-holders Vehicles

(b) Disabled Person's Badge-holders unless the said vehicle displays a valid Disabled Person's Badge in accordance with Article 7(5)(b);

Loading and Unloading

(c) Vehicles in connection with loading and unloading unless the said Vehicle is being loaded and/or unloaded in accordance with Article 7(5)(g);

Coaches, Motor Cycles, Camper Vans, Minibuses, Licensed Taxis or Goods Vehicles

(d) Coaches, Motor Cycles, Camper Vans, Minibuses, Licensed Taxis or Goods Vehicles unless the said Vehicle is of the class for which that Parking Place or part thereof is so reserved.

7 (5) The following exemptions apply in relation to Articles 5(4), 7(1) and 7(2) in the specified circumstances:

(a) a Vehicle displaying at all times while it remains in a Parking Place a valid Season Ticket in the Relevant Position, issued in accordance with Article 9 for the specified Parking Place(s) for which the Season Ticket was issued and in which the said Vehicle is situated;

(b) a Vehicle displaying at all times while it remains in a Parking Place a valid Disabled Person's Badge and Parking Disc in the Relevant Position PROVIDED THAT the said Parking Disc displays the quarter hour period during which the period of exempted parking began. This exemption shall not apply where such a Vehicle remains in a Parking Place for a period exceeding 3 hours in which case the Parking Charge in respect of the full duration of time that the vehicle was first parked in the Parking Place shall be due and payable. For the purposes of this paragraph a Vehicle shall be deemed to remain in a Parking Place if it departs from and returns to any Parking Bay within that Parking Place within 1 hour.

(c) a Vehicle displaying at all times while it remains in a Parking Place a valid Permit issued in accordance with Article 10 in the Relevant Position and complying with the particulars stipulated thereon;

(d) a Motor Cycle parked in a Parking Bay identified by signs and/or surface markings as provided for the use of Motor Cycles only;

(e) a Vehicle parked in an area identified by signs and/or surface markings as provided in connection with the depositing of appropriate items in recycling receptacles positioned in a Parking Place for so long as is reasonably required to deposit the said items;

(f) a Vehicle parked in a Parking Bay identified by signs and/or surface markings as provided for use in connection with loading and/or unloading PROVIDED THAT goods are being continually loaded onto the Vehicle or unloaded from the Vehicle and that the Vehicle does not remain longer than the period stipulated on any nearby sign relating to that Parking Bay.

Schedule 2 to the Ashford Borough Council (Off-Street Parking Places) Order (Amendment No. 5)

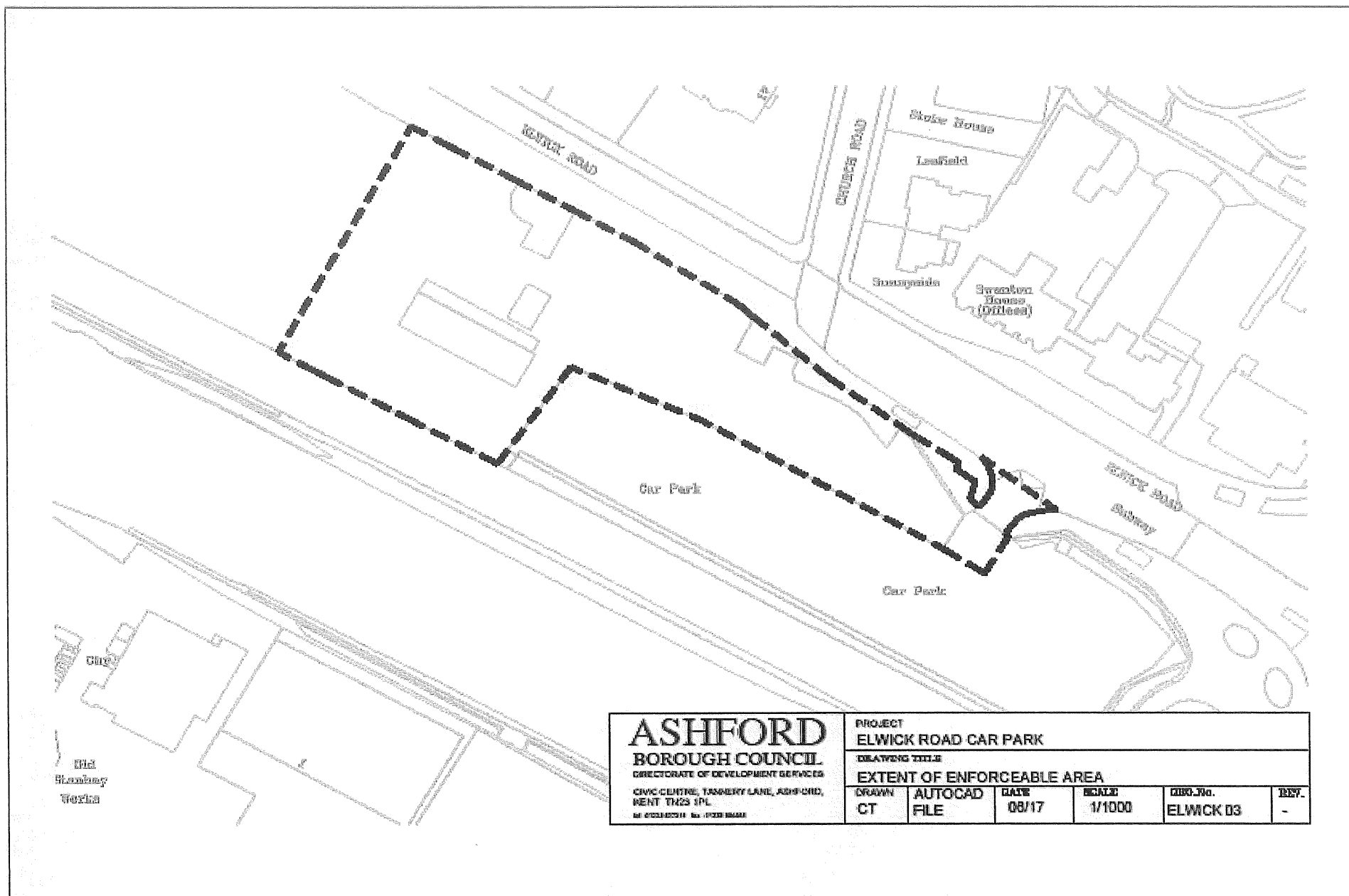
1 Name of Parking Place	2 Classes of vehicles	3 Position in which vehicles may park	4 Days of operation of parking places	5 Chargeable hours and hours of operation	6 Maximum period for which vehicles may remain	7 Restrictions on periods of return	8 Parking Period and Scale of Parking Charges
3a. Elwick Road Car Park, Ashford	Motor vehicles not exceeding 3.5 tonnes maximum gross weight and not exceeding 2.1 metres in height.	Wholly within a parking bay	All days	<u>Chargeable Hours</u> 07:00-18:00 hours <u>Hours of Operation</u> 24 hours	23 hours together at any one time	None	Pay and Display £1.10 per hour, payable in 5p (2.73 minutes) increments Minimum payment 55p (30 minutes) <u>Over 4 hours</u> £5.00

Schedule 2 to the Ashford Borough (Off-Street Parking Places) Order (Amendment 5)

1 Name of Parking Place	2 Classes of vehicles	3 Position in which vehicles may park	4 Days of operation of parking places	5 Chargeable hours and hours of operation	6 Maximum period for which vehicles may remain	7 Restrictions on periods of return	8 Parking Period and Scale of Parking Charges
1. Civic Centre and Stour Centre Car Park, Ashford	Motor vehicles not exceeding 3.5 tonnes maximum gross weight and not exceeding 2.1 metres in height underneath building	Wholly within a parking bay	All days	<u>Chargeable Hours</u> 07:00-18:00 hours <u>Hours of Operation</u> 05:00-23:15 hours	18 hours & 15 minutes together at any one time or until 23:15 (whichever is sooner) (2 hours in specified bays notified by signs and/or surface markings)	No return within 2 hours to specified bays notified by signs and/or surface markings	Pay and Display <u>Up to 2 hours</u> £1.50 <u>2 hours to 4 hours</u> £1.10 per hour, payable in 5p (2.73 minutes) increments <u>Over 4 hours</u> Monday to Friday- £11.00 Saturdays and Sundays- £5.00

Schedule 2 to the Ashford Borough (Off-Street Parking Places) Order (Amendment 5)

1 Name of Parking Place	2 Classes of vehicles	3 Position in which vehicles may park	4 Days of operation of parking places	5 Chargeable hours and hours of operation	6 Maximum period for which vehicles may remain	7 Restrictions on periods of return	8 Parking Period and Scale of Parking Charges
1. Civic Centre and Stour Centre Car Park, Ashford	Coaches	Wholly within a coach parking bay	All days	<u>Chargeable Hours</u> 07:00-18:00 hours <u>Hours of Operation</u> 05:00-23:15 hours	18 hours & 15 minutes together at any one time or until 23:15 hours, (whichever is sooner)		<u>Pay and Display</u> <u>Up to 4 hours</u> £1.70 per hour, payable in 5p (1.76 minutes) increments. Minimum payment £1.70 (1 hour) <u>Over 4 hours</u> £11.00
1. Civic Centre and Stour Centre Car Park, Ashford	Motor cycles	Wholly within a motor cycle parking bay	All days	<u>Chargeable Hours</u> Not applicable <u>Hours of Operation</u> 05:00-23:15 hours	18 hours & 15 minutes together at any one time or until 23:15 hours, (whichever is sooner)		No charge



ASHFORD BOROUGH COUNCIL DIRECTORATE OF DEVELOPMENT SERVICES CIVIC CENTRE, TANNERY LANE, ASHFORD, NENT TN23 3PL Tel: 01223 827511 Fax: 01223 828441						PROJECT ELWICK ROAD CAR PARK	
						DRAWING TITLE EXTENT OF ENFORCEABLE AREA	
DRAWN CT	AUTOCAD FILE	DATE 08/17	SCALE 1/1000	DIBO.No. ELWICK 03	REV. -		