

## **THE DISTRICT OF SHEPWAY (OFF-STREET PARKING PLACES) CONSOLIDATION (No2) ORDER 2013**

The District Council of Shepway ("The Council") in exercise of its powers under Section 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("The Act") and of all other enabling powers and with the consent of Kent County Council given under Section 39(3) of The Act 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:

### **COMMENCEMENT AND CITATION**

1. This Order shall come into operation on the 5<sup>th</sup> August 2013, and may be cited as the "*The District of Shepway (Off-Street Parking Places) Consolidation (No2) Order 2013*"

### **AMENDMENTS AND REVOCATIONS**

2. The District of Shepway (Off-Street Parking Places) Order 2010 and its amendments are hereby revoked.

### **INTERPRETATION AND DEFINITIONS**

3. In this Order the following expressions have the meanings hereby respectively assigned to them:

**"civil enforcement officer"** has the same meaning as in Part 6, Section 76 of the Traffic Management Act 2004 and as **"parking attendant"** as described in Section 63A of the Road Traffic Regulations Act 1984.

**"disabled person's vehicle"** has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1991;

**"disabled person's badge" (DPB)** has the same meaning as in the Disabled Persons (Badges of Motor Vehicles) Regulations 1991;

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

**"owner"** has the same meaning as in Section 142 of The Act;

**"parking place"** means any length of road, or area of land, within the public highway designated as a parking place in the Schedules to this Order and provided by the Council under Section 32 of the Act;

**“relevant position”** means:-

- i) in the case of a vehicle fitted with a front windscreen, the permit, ticket or DPB is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen, **or**;
- ii) in the case of a vehicle not fitted with a front windscreen, the permit, ticket or DPB is exhibited in a conspicuous position on the front nearside of the vehicle so that the DPB can be readily seen by the civil enforcement officer whilst inspecting the parking places;

**“resident”** means any person whose permanent address is a residential property within Shepway District Council and who is eligible to pay council tax to Shepway District Council;

**“Shepway”** means the administrative area of Shepway District Council;

**“traffic sign”** has the same meaning as in Section 142 of The Act;

**“The Act”** means the Road Traffic Regulation Act 1984;

**“the Council”** means the Shepway District Council;

**“The Interpretation Act 1978”** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament;

**“Vehicle”** means a motor vehicle or trailer as in Section 136 of The Act.

## **PART B - PROVISIONS RELATING TO PARKING PLACES**

4. (1) Subject to paragraphs (3) and (4) of this Article each area of land specified by number in column 1 and name in column 2 of the First Schedule to this Order may be used as a parking place for such classes of motor vehicles, in such positions, on such days and during such hours, on payment of such charges as are specified in relation to that area in the First Schedule, subject to the following provisions of this Order.
- (2) Subject to paragraph (4) of this Article each area of land specified by number in column 1 and column 2 in Part F of the First Schedule to this Order may be used, subject to the following provisions of this Order, as such parking places for such vehicles, in such positions, on such days, during such hours and for such vehicles displaying a permit issued by the Council as are specified in relation to that area in the First Schedule.
- (3) Nothing in paragraph (1) of this Article shall restrict the power of the Council to reduce or suspend the payment of charges specified in the First Schedule either generally or for defined periods and/or by a driver or by a class or group of drivers comprised within defined categories.
- (4) Nothing in paragraph (1) of this Article shall restrict the power of the Council to close any of the said parking places or any part thereof or to suspend the operation of this Order or any Article thereof in relation to such parking places when such parking place is required for any purpose of the Council or any purpose authorised by the Council.
- (5) The driver of a motor vehicle shall not use a parking place where the Council has suspended the use of the parking place and has exhibited a sign, cones or tape at or near the parking place indicating that the parking place is not for use.
5. (1) Where in the First Schedule to this Order a parking place is described as available for motor vehicles of a specified class or in a specified position, the driver of that vehicle shall not permit it to wait in that parking place unless it is of the specified class.
- (2) Where in the First Schedule to this Order a parking place is described as available for vehicles displaying a valid permit, the driver of the vehicle shall not, except with the permission of any person authorised by the Council, permit that vehicle to wait in that parking place unless it displays a valid permit as applicable.
6. The driver of a motor vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the First Schedule to this Order in relation to that parking place.
7. When a vehicle has left a parking place after waiting thereon, the driver thereof shall not within 1 hour after its leaving permit it to wait again upon that parking place.
8. No vehicle shall be used while it is in a parking place in connection with the sale of any thing to persons in or near the parking place unless written consent from the Council has been obtained.
9. No vehicle shall be sold, offered or exhibited for sale whilst it is in a parking place.

10. The driver of a motor vehicle using a parking place shall:
- (a) Stop the engine as soon as the motor vehicle is in position in the parking place and shall not start the engine again except to depart from the parking place or to change position within the parking place.
  - (b) Not, sound any horn or other similar instrument except in an emergency or when about to depart from the parking place.
11. No person in a parking place shall:
- (a) Wantonly shout or otherwise make any loud noise to the disturbance or nuisance of users of the parking place or residents of premises in the neighbourhood.
  - (b) Use any threatening, abusive or insulting, language, gesture or conduct with the intent to put any person in fear or as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
12. No person shall, except with the permission of a civil enforcement officer or such person authorised by the Council, use a parking place as a means of passage from one road to another road or drive any motor vehicle in the parking place other than for the purpose of leaving that motor vehicle in the parking place in accordance with the provisions of this Order, or for the purpose of departing from that parking place.
13. No person shall use any part of a parking place or any motor vehicle or caravan left in a parking place:
- (a) for camping purposes
  - (b) for cooking purposes
  - (c) for the purpose of servicing or washing any motor vehicle; or
  - (d) to wash any part of their person
14. In a parking place no person shall:
- (a) erect or cause to permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
  - (b) light or cause to permit to be lit any fire
  - (c) light or cause to permit to be lit any cooker or stove
15. No person in a parking place shall carry out or permit any work of construction or repair to a motor vehicle except such as may be necessary to enable it to be moved from the parking place.

16. Where in a parking place signs are erected or surface markings are laid for the purpose of:
- (a) indicating the entrance to, or exit from the parking place
  - (b) indicating that a motor vehicle using the parking place shall proceed in a specified direction within the parking place
  - (c) indicating that a parking place is specifically intended for the use of a disabled person's vehicle

No person shall drive any motor vehicle:

- (a) so that it enters the parking place other than by the entrance or leaves the parking place by an exit so indicated; **or**
  - (b) in a direction other than specified; **or**
  - (c) park any vehicle in such parking places as indicated by Article 16(c) without displaying a valid DPB in the relevant position
17. The driver of a motor vehicle shall not park a motor vehicle wholly or partly outside a parking bay nor cause an obstruction.
18. The driver of a motor vehicle shall not permit the trailer to wait in a parking place unless the trailer remains connected to the vehicle drawing it and for the purpose of this Article the motor vehicle and the trailer shall be deemed to be separate motor vehicles and the driver shall be deemed to be the driver of each of the said motor vehicles.
19. Whenever a vehicle occupies any of the parking places mentioned in the First Schedule, a prepaid ticket shall be purchased when the vehicle enters said parking place during which the vehicle is intended to be parked in that parking place and not exceeding the maximum waiting period. This shall be calculated in accordance with the Second Schedule and said ticket shall be displayed on the vehicle in the appropriate manner throughout said period **UNLESS** there is no charge payable in accordance with Article 22 or a valid season ticket is in force and displayed.
- PROVIDED ALWAYS** that this Article shall not apply to a parking place where the Parking Charge is indicated as 'Free' in column 4 of the Second Schedule.
20. Where the parking of a vehicle in any parking place is authorised by a prepaid ticket, such vehicle shall not be left in the parking place for longer than the period permitted by said ticket.
21. The driver of a motor vehicle parked in the parking place shall attach the ticket inside the front windscreen of the motor vehicle so that the time and other relevant details are clearly visible from the outside of the vehicle and should remain in position until the vehicle leaves the parking place.



### **PART C - CHARGES FOR PARKING**

22. (1) The driver of a motor vehicle to be parked in a parking place shall on leaving the motor vehicle in the parking place pay a charge ("the appropriate charge") for the motor vehicle in accordance with the scale of charges specified in the Table (1) to the Second Schedule of this Order, provided that no charge be payable:
- (a) by the rider of a motor-cycle
  - (b) by the driver of a disabled person's vehicle provided that the vehicle is parked wholly within any bay and a valid disabled person's badge and clock are displayed in the relevant position and that the vehicle remains parked for a no more than 3 hours
  - (c) by a driver of a vehicle who has complied with Article 23 of this Order
  - (d) By the driver of a motor vehicle who is engaged in business for on behalf of the Council and is clearly displaying a permit issued by the Council.
- (2) The driver of a bus to be parked in either Dymchurch Central or Coast Drive car parks shall pay the appropriate charge for the vehicle in accordance with the scale of charges specified in table (2) to the Second Schedule of this Order.
- (3) The payment of the appropriate parking charge shall be made on leaving the motor vehicle in the parking place, by the insertion of an appropriate coin or coins for the period required into the ticket machine provided (being a machine, apparatus or device in accordance with Section 35(3) of The Act) to the sum of money representing the appropriate charge.
- (4) The issue of a ticket by a ticket machine in a parking place shall indicate the payment of the sum of money in accordance with the scale of charges as specified in column 4 of the Second Schedule.
- (5) Evidence of payment of the appropriate charge by the driver of a motor vehicle shall consist of the display of the appropriate ticket in the relevant position issued by a ticket machine stating the day, time of issue or expiry and vehicle index number.
- (6) Where the service is available, each parking place referred to in Schedule 2 may also be used for such classes of vehicles in such positions on such days during such hours on payment of the relevant parking charge using Pay by Phone
- (a) Pay by Phone information signs and the relevant Location Identification Number signs will be located in each parking place where Pay by Phone is in operation and will provide information in relation to the operation and use of Pay by Phone
  - (b) The payment of a parking charge using Pay by Phone will relate only to the Parking Places as indicated by the Location Identification Number displayed on the Location Identification Number sign situated in the Parking Place
  - (c) Where a vehicle has been left in a Parking Place operating Pay by Phone an indication that the relevant parking charge has been made in respect of that vehicle using Pay by Phone together with an indication of the parking periods for which payment has been made shall appear on the Hand-Held Device

- (d) Without prejudice to the provisions of Articles 20, 21 and 22 (1) – (4) of this Order if at any time while a vehicle is left in a Parking Place referred to in Schedule 2 to this Order no indication appears on a Hand-Held Device that payment of the relevant parking charge has been made using Pay by Phone or a Hand-Held Device indicates that the payment period for which payment was made using Pay by Phone has expired it shall be presumed that either:
- i) The relevant parking charge has not been duly paid in respect of that vehicle in accordance with the provisions of this Article; or
  - ii) The parking period for which payment was made using Pay by Phone has expired

### **PART D - SEASON TICKETS AND PERMITS**

23. The owner of a motor vehicle may, on application to the Council, purchase a season ticket in respect of the motor vehicle for the appropriate charge set out in the Third Schedule to this Order and subject to the following provisions:
- (a) a season ticket shall not be deemed valid if such season ticket is used in the parking places known as Pleydell Gardens, Foresters Way, Upper Payers Park, Mount Street, Church Road and West Street
  - (b) the driver of a motor vehicle parked in a parking place shall attach the season ticket inside the front windscreen of the motor vehicle so that all relevant details are visible from outside the motor vehicle
  - (c) if the season ticket restricts the use to certain parking places, or to certain periods of time, the season ticket shall not be valid for any other circumstances
  - (d) season tickets do not entitle the driver of the motor vehicle to the reservation of an individual parking space and in the event of the loss or damage of a season ticket, or change of vehicle, a £5 administration charge shall become payable
24. Any resident of the District of Shepway may, using a form issued by and obtainable from the Council, apply to the Council for a Shepway Car Park Resident's Permit in respect of any car park:
- (a) to park free for 2 hours in short stay car parks
  - (b) to park free for 3 hours in long stay car parks
- PROVIDED THAT the permit is not used more than once on any given date between 08:00 hours and 18:00 hours and it is displayed in the relevant position with the accompanying parking clock
25. Such application for any permit shall include all information, authentication and charges as required by the form. Each permit application shall only be made for an individual vehicle; however the applicant may apply for more than one permit.
26. The Council may, at any time, require an applicant for a permit or a permit holder to produce to an officer of the Council reasonable evidence which verifies the information provided or to verify the validity of a permit.
27. A permit holder may, at any time, apply to the Council for the amendment of a permit issued to him so as to relate to any other vehicle, and the Council, having satisfied themselves as to the validity of the amended application may amend the permit or issue a new permit on surrender of the existing permit.
28. Upon receipt of an application duly made under the provisions of Articles 25, 26 and 27 of this Order, and subject to the Council being satisfied that the vehicles specified in the application are used by residents living within the District of Shepway, the Council may issue to the applicant permits for such vehicles as are specified in the application



29. If a permit is lost or destroyed, mutilated, defaced, discoloured or illegible, the permit holder may apply to the Council for a replacement permit and on receipt of the defective permit the Council shall issue a replacement. On issue of the duplicate permit the original shall become invalid.

**PART E – REMOVAL AND DISPOSAL OF MOTOR VEHICLES FROM PARKING PLACES**

31. When a motor vehicle is left in a parking place in contravention of any of the provisions contained in this Order a civil enforcement officer, or person authorised by the Council may move the motor vehicle or arrange for it to be removed from the parking place and make any such charges as authorised by Section 102 of The Act.
32. Any person when moving or removing a motor vehicle by virtue of Article 24 of this Order may do so by towing or driving the motor vehicle or in such other manner as he may think necessary.
33. A civil enforcement officer, or person duly authorised by the Council, or police constable in uniform may remove or cause to be moved in the case of emergency any motor vehicles left in the parking place to any other suitable place.
34. When a moving a vehicle under Article 28 of this Order said person shall make such arrangements as may reasonably be necessary for the safe custody of the vehicle.
35. The Council may, remove any vehicle if it appears to them to have been abandoned and as such may sell or otherwise dispose of said vehicle in accordance with section 101 of The Act.

THE COMMON SEAL of THE DISTRICT  
COUNCIL OF SHEPWAY was hereunto  
Affixed in the presence of:-

*W. Mutton*  
Solicitor



**SCHEDULE 1 - PARKING PLACES**

<b><u>SHORT STAY CAR PARKS</u></b>			
Parking Place	Class of Vehicle	Hours during which a vehicle may wait	Maximum period for which a vehicle may wait
Civic Centre, Castle Hill Avenue, Folkestone (All of the area East of a point 56 metres from the Western most kerb line of Castle Hill Avenue.)	Motorcycles, cars, light goods vehicles and motorcycles having 3 wheels	08:00 – 17:00 Monday – Friday  At all other times	1 hour  No restriction
Foresters Way, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels  Motorcycles	All hours  All hours	3 hours  3 hours
Pleydell Gardens, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels  Motorcycles	All hours  All hours	3 hours  3 hours
Shellons Street, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels  Motorcycles	All hours  All hours	3 hours  3 hours
Upper Payers Park, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels  Motorcycles	All hours  All hours	3 hours  3 hours

Schedule 1 – Parking Places

Mount Street, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	2 hours 2 hours
Church Road, New Romney	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	3 hours 3 hours
West Street, New Romney	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	3 hours 3 hours
<b><u>LONG STAY CAR PARKS</u></b>			
Broomfield Road, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours 24 hours
Civic Centre, Castle Hill Avenue, Folkestone (All of the surfaced area West of a point 56 metres from the Western most kerb line of Castle Hill Avenue)	All vehicles displaying a valid permit issued by the Council Attended goods vehicles whilst being loaded or unloaded	08:00 – 19:00 Monday – Friday  All hours	No restriction  Whilst being loaded or unloaded
East Cliff, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours  All hours	24 hours 24 hours

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Schedule 1 – Parking Places

East Cliff Pavilion, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Golden Valley, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Harbourside, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Sandgate Road, Folkestone (Formerly Leas Cliff Hall)	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Lower Payers Park, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Lower Sandgate Road West, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Rotunda, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours



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Schedule 1 – Parking Places

Tram Road, Folkestone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Castle Road, Sandgate	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Gough Road, Sandgate	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Wilberforce Road, Sandgate	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Battery Point, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Military Road, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Sea Point, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours

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Schedule 1 – Parking Places

The Paddocks, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Twiss Fort, Hythe	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Dymchurch Central, Dymchurch	Buses, cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
High Knocke, Dymchurch	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Martello, Dymchurch	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Coast Drive, Littlestone	Buses, cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours
Jolly Fisherman, Greatstone	Cars, light goods vehicles and motorcycles having 3 wheels Motorcycles	All hours	24 hours

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Schedule 1 – Parking Places

The Lade, Lydd – on – Sea	Cars, light goods vehicles and motor cycles having 3 wheels	All hours	24 hours
	Motorcycles	All hours	24 hours
Station Road, Lyminge	Cars, light goods vehicles and motorcycles having 3 wheels	All hours	24 hours
	Motorcycles	All hours	24 hours
Pound Lane, Elham	Cars, light goods vehicles and motorcycles having 3 wheels	All hours	24 hours
	Motorcycles	All hours	24 hours

## SCHEDULE 2 - PARKING CHARGES

**Table (1)** Parking Charges for motor vehicles

Car Park	Parking Period	Parking Charge	Chargeable hours
Mount Street, Hythe	30 minutes	80p	08:00 – 18:00 All Days
	1 hour	£1.20	
	2 hours	£2.30	
Foresters Way, Folkestone Pleydell Gardens, Folkestone Shellons Street, Folkestone Upper Payers Park, Folkestone	Linear (per minute) charges apply at £1 per hour Minimum charge: 30 minutes 50p Maximum Charge: 3 hours £3.00		08:00 – 18:00 All Days
Church Road, New Romney West Street, New Romney	1 hour	60p	08:00 – 18:00 All Days
	2 hours	£2.30	
	3 hours	£3.40	
Sandgate Road, Folkestone (Formerly Leas Cliff Hall)	4 hours	£1.00	08:00 – 18:00 All Days
	5 hours	£2.00	
	All day	£3.00	
Tram Road, Folkestone Harbourside, Folkestone	Linear (per minute) charges apply at £1 per hour Minimum charge: 1 hour £1.00 Up to 5 hours £5.00 Maximum charge: All day £6.00		08:00 – 18:00 All Days

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Schedule 2 – Parking Charges

<p>Castle Road, Sandgate Lower Sandgate Road West, Sandgate Battery Point, Hythe Military Road, Hythe Sea Point, Hythe The Paddocks, Hythe Twiss Fort, Hythe  Dymchurch Central, Dymchurch High Knocke, Dymchurch Martello, Dymchurch Coast Drive, Littlestone Jolly Fisherman, Greatstone</p>	1 hour	£1.20	<p>08:00 – 18:00 All Days</p>
	2 hours	£2.30	
	3 hours	£3.40	
	4 hours	£4.50	
	5 hours	£5.70	
	6 hours	£6.70	
	Up to 10 hours	£7.90	

Table (2) Parking Charges for Buses

<p>Dymchurch Central, Dymchurch Coast Drive, Littlestone</p>	5 hours	£7.60	<p>08:00 – 18:00 All Days</p>
	10 hours	£14.00	



### SCHEDULE 3

#### SEASON TICKETS AND PERMITS

**Table (1)** Charges applicable to Season Tickets

Parking Place	Eligibility for purchase	Type of Permit	3 Month Permit	6 Month permit	12 Month Permit
All long stay car parks (i.e. all car parks where parking is permitted for more than 3 hours)	All	1 day per week	£24	£47	£94
		2 days per week	£47	£94	£187
		3 days per week	£70	£140	£280
		4 days per week	£94	£187	£374
		5 days per week	£117	£234	£468
		6 days per week	£140	£280	£560
		7 days per week	£165	£329	£657

**Table (2)** Charges applicable to the Shepway Car Park Resident's Permit

Parking Place	Eligibility for purchase	Length of Permission	Charge Applicable
All Shepway District Council car parks which are currently chargeable	Residents of Shepway	Short Stay 2 hours	£50
		Long Stay 3 hours	

