

THE MEDWAY COUNCIL (PARKING PERMITS) ORDER 2000

Preliminary

Medway Council in exercise of the powers under sections 1, 32, 37, 45, 46A, 51, 53, 61 and 92 of the Road Traffic Regulation Act 1984 and all other enabling powers having regard to Section 122 of that Act and having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 of that Act and in accordance with the Road Traffic (Permitted Parking Area and Special Parking Area)(Borough of Medway) Order 1999 made by the Secretary of State makes the following Order

In accordance with the provisions of section 37 of the Road Traffic Regulation Act 1984 this Order forms part of a general scheme of traffic control whose boundary is the boundary of the Medway Council area

Citation and Commencement

1 This Order maybe cited as the Medway Council (Parking Permits) Order 2000 and shall have effect from _____

Revocation

2 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any provisions as respects parking permits effective in the Medway area prior to this Order coming into effect relating to any of the lengths of road described herein are revoked to the extent that this Order takes effect

Definitions

3 In this Order:

"the Act" means the Road Traffic Regulation Act 1984 and references to section numbers are to sections of that Act unless the context admits otherwise

"The 1991 Act" means the Road Traffic Act 1991

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles but excludes any lay-by

"the Council" means Medway Council

"designated parking place" means a parking place designated under an Order forming part of this general scheme of parking control

"disabled person's badge" has the meaning given by section 142 of the Act

"disabled person's vehicle" has the meaning given by section 142 of the Act

"footway" has the meaning given by section 329 of the Highways Act 1980

"goods vehicle" has the meaning given by section 92 of the Transport Act 1968

"heavy goods vehicle" has the meaning given by section 20(1) of the Road Traffic Act 1988

"owner" in relation to a vehicle means the person who is liable to receive a notice to owner respecting any contravention of this Order

"parking attendant" means a person appointed by or on behalf of the Council to enforce the restrictions imposed by this general scheme of traffic control relating to stationary vehicles

"parking disc" has the meaning given by Regulation 4(3)(ii) of the Local Authorities' Traffic Orders (Exemption for Disabled Persons)(England and Wales) Regulations 1986

"penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice

"penalty charge notice" means a notice which complies with the requirements of section 66(3) of the 1991 Act and which is fixed to a vehicle or given to a person appearing to be in charge of a vehicle by or under the authority of a parking attendant

"permit" means a parking permit of any kind issued under the provisions of this Order

"reduced penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 14 days of the issue of that notice

"residents parking zone" means the lengths of road listed in each part of the Schedule hereto

"undertaker" has the meaning given by section 48(4) of the New Roads and Street Works Act 1991

"verge" means any part of a road which is not a carriageway and includes a footway

Who may Apply for Permits

- 4 Any person may apply for the issue of a permit and any such application shall be in writing on an application form approved by the Council for that purpose and shall be accompanied by such fee if any as the Council may from time to time specify

Entitlement to Permits

- 5 (1) Subject to Article 6 hereof any person who is a resident in a street or part of a street listed in the Schedule to this Order may apply for the issue to him of a residents permit relating to the designated residents parking zone in which that person is ordinarily resident
- (2) Subject to Article 6 hereof any person who owns or operates a business in a street or part of a street listed in the Schedule to this Order may apply for the issue to him of a business permit relating to the designated residents parking zone in which that business is situate
- (3) Subject to Article 6 hereof any person who is a resident in a street or part of a street listed in the Schedule to this Order may apply for the issue to him of visitors permits relating to the designated residents parking zone in which that person is ordinarily resident

Evidence in support of Application for Permits

- 6 (1) Residents permit; such evidence of residence at a postal address in a designated residents parking zone as the Council may from time to time require in order to satisfy themselves that the applicant is a resident and that the applicant has available to him for his sole or main use the vehicle in respect of which the application for a permit is made
- (2) Temporary Permit; such evidence of residence at postal address in a designated residents parking zone as the Council may from time to time require in order to satisfy themselves that the applicant is a resident and that the applicant has available to him for his sole or main use the vehicle in respect of which the application for a permit is made
- (3) Visitors Permit: such evidence of residence at a postal address in a designated residents parking zone as the Council may from time to time require in order to satisfy themselves that the applicant is a resident
- (4) Professional Visitors Permit; such evidence of residence at a postal address in a designated residents parking zone as the Council may from time to time require in order to satisfy themselves that the applicant is a resident together with a certificate signed by that person's General Practitioner that that person is in need of regular visits by medical or health care personnel
- (5) Nothing in this Article shall be taken as conferring permission to wait upon a vehicle of a class which is prohibited from waiting by virtue of the provisions paragraph 11 of Article 4 of the Medway Council (Designated Parking Places) Order 2000

Privileges of Permit Holders

- 7 (1) The holder of a resident's permit may cause or permit a vehicle to wait during the controlled hours in a parking place designated for the waiting of vehicles displaying permits of that category provided the vehicle and any trailer waits where relevant in compliance with the provisions of the Medway Council (Designated Parking Places) Order 2000
- (2) The holder of a temporary permit may cause or permit a vehicle to wait on the same conditions as the holder of a residents permit during the period of validity of the temporary permit
- (3) The holder of a professional visitors permit may cause or permit a vehicle to wait in a parking place designated for the waiting of vehicles displaying permits of that category provided the vehicle and any trailer waits where relevant in compliance with the provisions of the Medway Council (Designated Parking Places) Order 2000
- (4) The holder of a visitors permit may cause or permit a vehicle to wait in a parking place designated for the waiting of vehicles displaying permits of that category provided the vehicle and any trailer waits where relevant in compliance with the provisions of the Medway Council (Designated Parking Places) Order 2000

Display of Permits

- 8 (1) Any permit issued under this Order shall be displayed in accordance with the provisions of this Article:
- (i) in the case of a vehicle fitted with a front windscreen the permit shall be exhibited on the near side of and immediately behind the windscreen with its front facing forward so as to be legible from outside the vehicle the relevant details in paragraph 2 or

(ii) in the case of a vehicle not fitted with a front windscreen the permit is exhibited in a conspicuous position so that the relevant details in paragraph 2 are legible from outside the vehicle

(2) Details to be exhibited as appropriate

(i) the serial number of the permit

(ii) the registration mark of the vehicle in respect of which the permit was issued where relevant

(iii) the date of expiry of the permit

(iv) any identification mark from time to time required by the Council to be included on the permit

(v) in the case of a professional visitors permit the address at which the person in charge of the vehicle may be found in case of need or other

Issue of Permits

9 (1) Where an authorised person is satisfied that an applicant is entitled to the issue to him of a residents permit and that the correct charge if any has been paid he shall issue that permit

(2) Where an authorised person is satisfied that an applicant is entitled to the issue to him of a business permit and that the correct charge if any has been paid he shall issue that permit

(3) Where an authorised person is satisfied that an applicant is entitled to the issue to him of a visitors permit and that the correct charge if any has been paid he shall issue that permit

(4) Where an authorised person is satisfied that an applicant is entitled to the issue to him of a professional visitors permit and that the correct charge if any has been paid he shall issue that permit

(5) Where an authorised person is not satisfied with the evidence produced to him at that time he may issue a temporary residents permit or business permit as the case may be provided the charge if any for that permit has been paid

Revocation of Permits

- 10** (1) A permit issued by an authorised person may be revoked at any time on the following grounds;
- (i) that the permit was obtained by fraud or misrepresentation or
 - (ii) that the permit was issued by mistake or
 - (iii) that the person to whom the permit was issued is no longer entitled to a permit of that kind or
 - (iv) that a penalty charge notice has been issued to the holder of that permit
 - (v) that there is another substantial cause for revocation of the permit
- (2) Where a permit is revoked an authorised person shall send written notice by post to the address given by the applicant for the permit giving reasons
- (3) A person aggrieved by the refusal to issue or revocation of a permit may apply to a person authorised by the Council in writing for the issue or restoration of the permit and may make written representations in support of such an application

Liability to Penalty Charge

- 11** A penalty charge notice may be fixed to a vehicle or given to a person appearing to be in charge of a vehicle if the vehicle waits in a designated parking place;
- (a) without displaying a permit as required by Article 8 above or
 - (b) displaying a permit which is a nullity or
 - (c) displaying an invalid permit or
 - (d) displaying a permit which has been altered or defaced or
 - (e) the vehicle waits otherwise than in accordance with the provisions of the Medway Council (Designated Parking Places) Order 2000
 - (f) in the case of a visitors permit without displaying the correct date in the manner stated on the permit of
 - (g) where a permit is displayed which would otherwise be valid but has been issued in respect of a vehicle other than that in which it is displayed
 - (h) where a permit is displayed which has been transferred otherwise than in accordance with Article 15 hereof

Duration of Permits

- 12** a residents permit is valid until midnight on the date of expiry of that permit
- a visitors permit is valid from 8 am on the day indicated on it in the manner required by the permit until 8.30 am on the next day
- a business permit is valid until midnight on the date of expiry of that permit
- a professional visitors permit is valid until midnight on the date of expiry of that permit

a temporary permit is valid for a period of one month ending at midnight on the date of expiry of the permit

Charges for Permits

- 13 (1) (a) The charge in respect of a residents permit shall be £15
(b) the charge in respect of a professional visitors permit shall be £15
(c) the charge in respect of business permits shall be £100
(d) the charge in respect of visitors permits shall be £3 for six permits
- (2) The Council may from time to time publish a list of the charges for permits of any category where a charge is levied or to be levied in respect of permits of that category not less than one month before any such new charge takes effect

The charge if any payable in respect of a permit is the charge prevailing at the date an application is submitted for the issue of that permit

Refunds

- 14 Any person may apply for the return to him or a person nominated by him in writing of a proportional part of the charge paid in respect of a business permit calculated in the following basis
- (a) in the case of a business permit at the rate of one twelfth of the charge paid in respect of each calendar month remaining unexpired on the permit as of the date the permit is in the case of a residents permit at the rate of one twelfth of the charge paid in respect of each calendar month remaining unexpired on the permit as of the date the permit is presented to or received by the Council for a refund less one tenth of the charge paid for the permit in respect of the Council's administrative costs

Transfer of Permits

- 15 (1) A permit issued under this Order is not transferable save as provided by this Article
- (2) Application for the transfer of a residents permit or a business permit between vehicles shall be made in the same manner as an application for the issue of a permit of that category save that no charge is payable in respect of such application for transfer

The COMMON SEAL of)
MEDWAY COUNCIL)
was hereto affixed)
this day of
in the presence of

SCHEDULE 1 PART I

Postal Addresses: Brompton Zone

Admiralty Gate, Admiralty Terrace, High Street, Garden Street, Manor Street, Mansion Road (west), Middle Street (Victory Manor, McCudden Row Nos. 15-31, Barfleur Manor, Temaraire Manor, Leitch Row), Prospect Row (east), River Street (Camperdown Manor) and Westcourt Street (McCudden Row Nos. 1-14, Perie Row, Lendrim Close, Graham Close) and Wood Street

Postal Addresses: Chatham Zone

Afghan Road, Albany Terrace, Armada Way, Boundary Road, Carpeaux Close, Charles Street, Chelmar Road, Chilham Close, Corkwell Street, Cranleigh Gardens, Cressey Court, Cross Street, Eldon Street, Elmhurst Gardens, Fort Pitt Street, Grosvenor Avenue, Gundulph Road, Hardstown, Haymen Street, High Street Nos 2 -32, Hills Terrace, Hillside Road, Institute Road, King Street, Lines Terrace, Lumsden Terrace, Maidstone Road Nos 16 - 86, Manor Road, Meadowbank Road, New Road, New Road Avenue, New Street, Ordnance Street, Ordnance Terrace, Pagitt Street, Perry Street, Rochester Street, Rope Walk, Rowan Walk, Scotts Terrace, St. Margaret's, St Michael's Cloase, Uppury Way, Westmount Avenue and Watt Street

Postal Addresses: Gillingham Zone

Avondale Road, Balmoral Road, Crown Street, Dawes Street, East Street, Edinburgh Road, Ferndale Road, Franklin Road, Gardiner Street, Gillingham Road Nos. 208-250 and 241-299), Gordon Road, Gorst Street, Green Street, Greenfield Road, High Street(Residents Only), James Street, Jeffery Street, King Street, Kingswood Road, Lawrence Street, Linden Road, Osborne Road, Priestfield Road, Railway Street, Randolph Road, Springfield Road, Toledo Paddock, Trafalgar Street, Victoria Street, West Street and Windsor Road.

Postal Addresses: Longley Zone

Gresham Place and Longley Road (Nos. 14-24 inclusive)

Postal Addresses: Rochester Zone

Bingley Road, Castle Hill, City Way Service Road (Nos. 4-16), Eastgate Terrace, Hawkwood Close, High Street Nos 268 - 346, Love Lane Nos 26 - 79, Maidstone Road, Minor Canon Row, Nags Head Lane, New Covenant Place, St. Bartholomew's Terrace, St Margaret's Street, The Esplanade, The Precinct and The Terrace

Postal Addresses: Strood Zone

Bowes Road, Burgess Road, Florence Street, Frindsbury Road Nos 13 - 33 (odd numbers only), Glanville Road, Grange Road, Grove Road, Humber Crescent, Southeastern Road, St. Mary's Road, Station Road and Vicarage Road.

Postal Addresses: Gillingham Hospital Zone

Albert Road	(Even Nos. 2 to 14 and odd Nos. 1 to 17)
Belmont Road	(Even Nos. 2 to 60 and odd Nos. 1 to 57)
Byron Road	(Even Nos. 2 to 70 and odd Nos. 19 to 71 (inc schools))
Byron Road	(Between Canterbury Street and Milton Road, Nos. 1 to 17)
Canterbury Street	West side, between Rock Avenue and Stafford Street, Nos. 123 to 255)
Chaucer Road	(Nos 1 - 138)
Chatham Hill	(North side - the A2 - Nos. 103 to 135)

College Avenue	(Even Nos. 2 to 78 and odd Nos. 1 to 109)
Frederick Road	(Even Nos. 2 to 50 and odd Nos. 1 to 25)
Imperial Road	(Nos. 1 to 119)
Jeyes Road	(Even Nos. 2 to 36 and odd Nos. 1 to 37)
Longfellow Road	(Even Nos. 2 to 82 and odd Nos. 1 to 73)
Longhill Avenue	(Nos. 1 to 38)
Marlborough Road	(Nos. 177 to 289)
May Road	(Even Nos. 2 to 74 and odd Nos. 1 to 89)
Milton Road	(Even Nos. 2 to 186 and odd Nos. 1 to 131)
Rainham Road	(Nos 2 - 59)
Regent Road	(Even Nos. 2 to 28 and odd Nos. 1 to 39)
Rock Avenue	(Even Nos. 14 to 190 and odd Nos. 9 to 209)
St Johns Road	(Even Nos. 66 to 180 and odd Nos. 21 to 63)
Shakespeare Road	(Even Nos. 2 to 186 and odd Nos. 1 to 205)
Stafford Street	(Even Nos. 2 to 74 and odd Nos. 1 to 77)
Tennyson Road	(Even Nos. 2 to 58 and odd Nos. 1a to 67)
Vicarage Road	(Even Nos. 2 to 12 and odd Nos. 1 to 57)
Windmill Road	(Even Nos. 2 to 222 and odd Nos. 1 to 41)
Windmill Manor	(Nos. 1 to 10)
York Avenue	(Even Nos. 2 to 104 and odd Nos. 1, 1a and 1b)

Postal Addresses: Rainham Zone

Brown Street, Henry Street, Holding Street, Hothfield Road, Ivy Street, Maplins Close, Quinnell Street, Solomon Road, Station Road (Nos. 292 to 333), The Old Orchard, Tufton Road (Nos. 1 to 29 and 43) and (Nos. 4 to 40), Wakely Road (Nos. 1 to 83), and William Street.