

**THE SEVENOAKS DISTRICT COUNCIL
(MOREWOOD CLOSE AND KNOLE PADDOCK, SEVENOAKS)
(OFF-STREET PARKING PLACES) TEMPORARY ORDER 2018**

Sevenoaks District Council, in exercise of the powers under Sections 32, 33, 35 and Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (“the 1984 Act”), the Traffic Management Act 2004 (“the 2004 Act”) and of all other Regulations and Orders made in exercise of the powers conferred by the 2004 Act and all other enabling powers, hereby makes the Sevenoaks District Council (Morewood Close and Knole Paddock, Sevenoaks) (Off-Street Parking Places) Temporary Order 2018.

PART I - GENERAL

Commencement and Citation

1. This Order may be cited as the Sevenoaks District Council (Morewood Close and Knole Paddock, Sevenoaks) (Off-Street Parking Places) Temporary Order 2018.
2. This Order is required to provide temporary alternative off-street Parking Places on the land to the north of the Magistrates Court in Morewood Close in Sevenoaks, and on land at Knole Paddock to the east of Plymouth Drive in Sevenoaks for use by Pass holders during the construction of a multi-decked car park on the Buckhurst 2 car park site.
3. This Order comes into force on 5th day of January 2018, and continues in force for up to 18 months, or until the Buckhurst 2 multi-decked car park is operational, whichever is the earlier.

Definitions

4. (i) In this Order, except where the context otherwise requires, the following expressions shall mean:-

“Civil Enforcement Officer” means a person as defined by the 2004 Act to supervise and enforce *inter alia* the provisions of this Order;

“Class of Vehicle” means the types of vehicle allowed to park in a Parking Place. These are passenger vehicles, goods vehicles and motorcycles (unless the provision in section 10 applies).

”Council” means the Council of the District of Sevenoaks;

“Days and Hours of Operation” means the days and times that the Parking Order is in force, and parking is available for the public

“Disabled Person’s Badge” has the same meaning as in the Chronically Sick and Disabled Persons Act 1970 as amended;

“Driver”, in relation to a vehicle left in a Parking Place, means the person driving the vehicle at the time it was parked in the Parking Place. It shall be presumed that the Driver is the registered keeper of the vehicle;

“Goods Vehicle” means a motor vehicle which is constructed or adapted solely for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.44 metres and the unladen weight of which does not exceed 2540 kilogrammes;

“Motorcycle” refers to two wheeled mechanically propelled vehicles not having a sidecar or trailer attached;

“Owner” of a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper;

“Parking” in relation to a vehicle means where that vehicle is stopped for any period, whether or not the driver or another person is present in or at the vehicle;

“Parking Bay” means an area indicated on the surface of a Parking Place, e.g. by marked lines, for parking a motor vehicle within. Where the type or class of vehicle is specified, this is indicated by markings on the surface

of the Parking Place or on a sign adjacent to the Parking Bay or in the Parking Place;

“Parking Place” means an area of land provided by the Council under Section 32 of the 1984 Act for use as an off-street parking place as defined by s142(1) of the 1984 Act;

“Pass” means an instrument issued by the Council on such terms and conditions as it shall decide, permitting a Driver to leave a vehicle in a Parking Place;

“Passenger Vehicle” means a motor vehicle (other than a Motorcycle) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the Driver), without a trailer attached;

“Relevant Position” means

(a) in respect of a Disabled Person’s Badge,

- (i) the badge is shown inside the windscreen on the dashboard or fascia of the vehicle, or
- (ii) where the vehicle is not fitted with a dashboard, fascia or windscreen, the badge is shown in a conspicuous position on the vehicle,

and in each case so that the date of expiry, the name of the issuing authority and the serial number are clearly visible and able to be read easily from outside the vehicle, and

(b) in respect of Pass,

- (i) the Pass is shown inside the windscreen, or
- (ii) in the case of a vehicle not fitted with a dashboard, fascia front windscreen the Pass is shown in a conspicuous position on the vehicle,

and in each case so that the front face and all of the information including any expiry time and date, any date of validity and any reference number is able to be read easily from outside the vehicle;

“Reserved”, in respect of a Parking Place, means an area not available for parking by the public, that may be reserved for a particular class of vehicle, or purpose, or a maximum period of stay applies;

- (ii) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (iii) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (iv) The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II - USE OF PARKING PLACES

Designation

- 5. A Parking Place may be used, subject to the provisions of this Order, for such classes of vehicle in such positions, on such days, during such hours, for such periods and on payment of such charges as are specified in relation thereto in Schedule 1.

Class and position of vehicle

- 6. Where in Schedule 1, a Parking Bay is described as reserved for parking by vehicles of a specified class or purpose, or vehicles parked in a specified location, no person shall permit a vehicle to park in that parking bay within the Parking Place
 - (i) unless it is of the specified class;
 - (ii) unless it is wholly within a marked parking bay; or
 - (iii) in a position other than that specified.

Maximum period of stay

- 7. Where in Schedule 1 a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to park in that Parking Place on any day, during such hours or for any period longer than those specified.

Maximum height

8. Where a Height Restriction Barrier is installed at the entrance exit to a Parking Place, vehicles exceeding the maximum height are not permitted to enter.

Period of no return

9. Where in Schedule 1, a Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to park in that Parking Place on any day, during such hours within which the vehicle is excluded from parking in the Parking Place.

Disabled Persons' Parking Bays

10. A vehicle parking in Disabled Persons' Parking Bay must display a Disabled Person's Badge in the Relevant Position. The driver or a passenger must be the person the Badge is issued to. Where the driver is not the person the Badge is issued to the passenger must be being immediately transported by the vehicle.

Motorcycle Parking

11. Motorcycles can park "free of charge" in a Parking Place. Where a Motorcycle Parking Bay is provided in a Parking Place, motorcycles may not park "free of charge" in any other part of that Parking Place, including in a Parking Bay.

Power to close or suspend parking places

12. The Council can close or suspend the use of the whole or part of a Parking Place for any period.

Power to close or suspend parking places

13. Any person closing or suspending the use of the whole or part of a Parking Place in accordance with the provisions of Article 11 shall in advance or at the time place or erect signs, notices and/or barriers giving notice of the closure or suspension.
14. No person shall cause or permit a vehicle to be parked in a Parking Place contrary to signs, notices and/or barriers giving notice of the closure or suspension.

Given under the Common Seal of Sevenoaks District Council

This 4th day of January 2018

THE COMMON SEAL OF
SEVENOAKS DISTRICT COUNCIL
was hereunto affixed in the presence of



SR12960

Authorised Signatory

A handwritten signature in blue ink, appearing to be 'A. M.' with a long horizontal stroke extending to the right.

Authorised Signatory

A handwritten signature in blue ink, appearing to be 'D. Ledger' with a stylized flourish at the end.

Schedule 1

| Location and name of parking place | Position in which vehicle may wait | Class of vehicle permitted to park | Days and Hours of operation | Hours of operation of parking charges | Maximum period vehicles may wait | Scale of parking charges |
|---|------------------------------------|--|--|---------------------------------------|----------------------------------|--------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Sevenoaks: Morewood Close car park, located on land to the north of the Magistrates Court | Wholly within a parking bay | Passenger vehicles, goods vehicles & motorcycles, of height less than 2100mm | All | Not applicable | 24 hours | No charge Pass holders only |
| Sevenoaks: Knole Paddock car park, located on land to the east of Plymouth Drive | Wholly within a parking bay | Passenger vehicles, goods vehicles & motorcycles, of height less than 2100mm | Monday, 00:01 hours to Friday, 23:59 hours | Not applicable | 24 hours | No charge Pass holders only |

