

**THE KENT COUNTY COUNCIL (VARIOUS ROADS, TONBRIDGE and MALLING)
(WAITING RESTRICTIONS AND ON-STREET PARKING PLACES) (AMENDMENT No. 2)
ORDER, 2008**

The Kent County Council, in exercise of their powers under sections 1, 2, 3, 4, 32, 35, 45, 46, 49, 53 and Part IV of the Road Traffic Regulation Act 1984, as amended, and of all other enabling powers, 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:-

**PART A
General**

CITATION, COMMENCEMENT AND AMENDMENTS

1. (1) This Order may be cited as The Kent County Council (Various Roads, Tonbridge and Malling) (Waiting Restrictions and On-street Parking Places) (Amendment No. 2) Order, 2008 and shall come into force on **24th March 2008**.

- (2) The Order set out in the first column of the Table below shall be modified to the extent specified in the second column of the Table.

Table (Article 1)

Order to be modified.

Title of Order	Extent to which amended by this Order
The Kent County Council (Various Roads, Tonbridge and Malling) (Waiting Restrictions and On-Street Parking) Order 2007.	<u>Tonbridge & Malling Borough Council area:-</u> <u>Various Roads as detailed in the Schedule attached.</u>

INTERPRETATION

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"business" means a person whose main place of work is at premises located in a qualifying street as described in Part 4 of the **Fourth Schedule** to this Order unless otherwise specified;

"the Council" means the Kent County Council as traffic authority and, where appropriate, Tonbridge and Malling Borough Council acting on behalf of the traffic authority.

"charged parking place" means a parking place referred to in the Third Schedule to this Order;

"chargeable hours" means between the hours and on the days specified in an item in the fifth column of the Table to Article 40 appropriate to the parking place described in the Schedule mentioned in the corresponding item in the second column of that Table;

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"Director of Planning and Transportation" means such person as shall be approved by Tonbridge and Malling Borough Council to manage the Planning and Transportation Service and

"Planning and Transportation Service" means the service established by Tonbridge and Malling Borough Council to carry out parking activities under the Kent Highways partnership agreement between Kent County Council, as traffic authority, and Tonbridge and Malling Borough Council;

"disabled person" and "disabled person's badge" have the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 to be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

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

"goods" includes postal packets of any description;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description or a trailer so constructed or adapted;

"invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

"junction" means the junction of the marked, or if not so marked, the imaginary centre lines of the roads referred to and, where appropriate, measurements shall be taken from the point of intersection of the respective centre lines as projected;

"licensed taxi" has the same meaning as in section 13 (3) (a) of the Transport Act 1985;

"medical practitioner" has the same meaning as "legally qualified medical practitioner" in section 52 of the Medical Act 1956;

"motor car" and "motor cycle" have the same meaning as in section 136 of the Act of 1984;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"parking attendant" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

"parking charge" for a vehicle left in a charged parking place shall be determined by reference to the third and fourth columns of the Table to Article 40.

"parking disc" means a device which-

- (a) is 125 millimetres square and coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"parking period" for a vehicle left in a charged parking place shall be determined by reference to the third and fourth columns of the Table to Article 40.

"parking permit" means a permit of the type described in an item in column 2 of the Table to Article 48.

"parking place" means an area on a highway designated or authorised and described as a parking place by any of the various Articles or Schedules of this Order

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981;

"relevant position" means:-

1 - In the case of a Disabled Person's Badge -

(a) A vehicle displays a disabled person's badge in the relevant position if:-

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside the vehicle; or

(ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

(b) A vehicle displays a parking disc in the relevant position if:-

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or

(ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

2 - In the case of any other badge or permit -

A vehicle displays any other badge or permit in the relevant position if:-

(i) in the case of a vehicle fitted with a front windscreen, the item is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;

(ii) in the case of a vehicle not fitted with a front windscreen, the item is exhibited in a conspicuous position on the front or near side of the vehicle

3 - In the case of a parking ticket -

A vehicle displays a parking ticket in the relevant position if the item is exhibited in a conspicuous position on the front or near side of the vehicle.

"resident" means a person whose usual residence is at premises the postal address of which is in any street or part of a street described in Part 4 of the **Fourth Schedule** to this Order, unless otherwise specified;

"Residents' Parking Permit" means a residents' permit issued under the provisions of Part J of this Order and

"residents' permit holder" means a person to whom such a permit has been issued;

"restricted road" means the roads, lengths of road or sides of road (including any footway or verge and the perimeter of any central reservation, roundabout or traffic island) specified in the First or Second Schedules to this Order:-

PROVIDED that the expression "restricted road" shall not for the purposes of this Order include any designated parking place or any authorised parking place described in the various Schedules to this Order and not suspended under the provisions of Article 33.

"road" means the full width - including any footway or verge - of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"ticket machine" means apparatus designed to indicate the time and to issue parking tickets indicating the payment of a charge and the period in respect of which it has been paid;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984;

"vehicle" means a motor vehicle or a trailer and "motor vehicle" and "trailer" have the same meaning as in section 136 of the Act of 1984;

"vehicle of the permitted class" means a motor car, a motor cycle or an invalid carriage and "motor car", "motor cycle" and "invalid carriage" have the same meaning as in section 136 of the Act of 1984.

"visitors' parking permit" means a permit issued under the provisions of Part K of this Order and

"visitors' permit holder" means a person to or for whom such permit has been issued.

(2) In this Order, except where the context otherwise requires:-

- (a) any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order;
- (b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and
- (c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act, 1984 or by or under any other enactment;

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART B

Prohibitions and Restrictions on the waiting of vehicles or the loading or unloading of vehicles

NO WAITING AT ANY TIME on ALL DAYS

3. Save as provided in Part F of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform or of a Parking Attendant, cause or permit any vehicle to wait at any time in any time restricted road or length of restricted road described in Part 1 of the **First Schedule** to this Order.

NO WAITING AT ANY TIME on MONDAYS to SATURDAYS ONLY

4. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a Parking Attendant, cause or permit any vehicle to wait at any time on Mondays to Saturdays in any restricted road or length of restricted road described in Part 2 of the **First Schedule** to this Order.

DAYTIME WAITING RESTRICTIONS

5. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a Parking Attendant, cause or permit any vehicle to wait in any restricted road or length of restricted road described in columns 1 and 2 of an item in the **Second Schedule** to this Order on the days and between the times specified in the corresponding columns 3 and 4 of that item.

PART C

Prohibition of Stopping Outside Schools

PROHIBITION OF STOPPING OUTSIDE SCHOOLS

6. Save as provided in Article 8 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to stop or remain at rest during the specified hours on a school entrance marking described in the **Seventh Schedule** of this Order.
7. Except as otherwise provided in Article 8 of this Order, if any provision of Article 6 of this Order conflicts with a provision of any other Article in this Order which grants an exemption from the provision, the provision of Article 6 shall apply.
8. Nothing in Article 6 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait on a school entrance marking -
 - (a) if the vehicle is being used for the removal of any obstruction to traffic;
 - (b) to enable the vehicle to be used for any of the following purposes and whilst being so used it is necessary for the vehicle to wait on the school entrance marking -
 - (i) in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (ii) for the maintenance, improvement or reconstruction of the road, of any of the said lengths of road; or
 - (iii) for the laying, erection, alteration or repair in or near any of the said lengths or sides of road of any sewer or any main, pipe, or apparatus for the supply of gas, water, electricity or telecommunications.
 - (c) in any case where the person in control of the vehicle
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident;
 - (iii) is prevented from proceeding by circumstances outside his control.
 - (iv) causes the vehicle to proceed in accordance with any restriction or requirement indicated by traffic signs placed pursuant to section 66 or section 67 of the Road Traffic Regulation Act 1984.

INTERPRETATION

9. In this Part of the Order,

"specified hours" means between the hours shown in column 3 of an item in the Seventh Schedule to this Order on Mondays to Fridays during school term time;

"school term time" means those days of the year which have been determined as school days by the Kent County Council, the Education Authority, in accordance with section 21 of the Education (No. 2) Act 1986;

"school day" has the same meaning as in section 65 of the Education (No. 2) Act 1986.

"school entrance marking" means an area of carriageway of a specified road which is comprised within the road marking prescribed in Diagram 1027.1 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002, and indicated by the sign prescribed in diagram 642.2 in Schedule 2 of the Traffic Signs Regulations and General Directions 1994 or in diagram 642.2A in Schedule 2 of the Traffic Signs Regulations and General Directions 2002.

"specified road" means any road or length of road or side of road specified in the **Seventh Schedule**

PART D

Designation and Use of Parking Places

DESIGNATION OF PARKING PLACES

10. Each area on a highway comprising the lengths of carriageway described in the Third and Fourth Schedules to this Order and, unless otherwise so described, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.0 metres, is designated as a parking place.
11. The limits of each parking place and the limits of any parking space shall be indicated by a road marking appropriate to the position in which a vehicle may park.
12. Nothing in Article 10 of this Order shall restrict the power of a police constable or of the Council to suspend any parking place or any part thereof in accordance with the provisions of Article 33.

PARKING PLACES WITH TICKET MACHINES

13. (1) SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to wait during the chargeable hours in a charged parking place described in the **Third Schedule** of this Order unless it is a vehicle of the permitted class and unless the parking charge has been paid

PROVIDED ALWAYS the payment of the parking charge shall be indicated by the vehicle displaying in the relevant position a parking ticket issued by the ticket machine relating to the parking place in which the vehicle has been left.

(2) SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to wait during the chargeable hours in a charged parking place for longer than the parking period paid for on payment of the parking charge.

(3) No vehicle which has been taken away from a parking space in a charged parking place during the chargeable hours after a parking charge has been incurred, shall until the expiration of three hours from the time it was taken away, again be left in that parking place during the chargeable hours.

(4) Nothing in this Article shall apply in respect of

(a) any vehicle which is waiting in a charged parking place in accordance with a provision of Part F of this Order; or

(b) any vehicle which is waiting in a charged parking place which is also a residents' parking place and is displaying in the relevant position a valid Parking Permit issued, or a valid Visitors' Parking Permit validated in respect of that vehicle for the Residents= Parking Zone in which that charged parking place is included.

RESIDENTS - PARKING PLACES

14. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle, other than a vehicle which is displaying in the relevant position

(i) a valid Parking Permit issued, or

(ii) a valid Visitors' Parking Permit validated in respect of that vehicle for the Zone in which that Parking Place is situated,

(a) to wait in any parking place described in Part 1 of the **Fourth Schedule** to this Order; or

(b) to wait in any parking place described in columns 1 and 2 of Part 2 of the **Fourth Schedule** to this Order on the days specified in the corresponding column 4 and between the times specified in the corresponding column 3 of that item.

SHARED PARKING PLACES

15. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle, other than a vehicle which is displaying in the relevant position

(i) a valid Parking Permit issued, or

(ii) a valid Visitors' Parking Permit validated in respect of that vehicle for the Zone in which that Parking Place is situated,

to wait in any of the parking places described in columns 1 and 2 of Part 3 of the **Fourth Schedule** to this Order on the days and between the times specified in the corresponding column 3 of that item

(i) for a period longer than the maximum permitted waiting time specified in the corresponding column 4, or

(ii) if a period less than the period to elapse since the last period of permitted parking specified in the corresponding column 5 has elapsed since the termination during the said hours of the last period of parking (if any) of the vehicle in that parking place

CONDUCT OF PARKING PLACES

16. PROVIDED ALWAYS that the provisions of Part G of this Order shall apply to any designated parking place and, in the event of any contravention of, or non-compliance with, a provision of Part G of this Order, the person responsible shall be guilty of an offence.

ADMINISTRATION OF PARKING SCHEMES

17. (1) The administration of any Residents' Parking Scheme shall be in accordance with the provisions of Part J of this Order.
- (2) The administration of any Residents' Visitors' Parking Scheme shall be in accordance with the provisions of Part K of this Order.

PART E

Authorisation and Use of Parking Places

AUTHORISATION OF PARKING PLACES

18. (1) Each area on a highway comprising the lengths of carriageway described in the **Fifth Schedule** to this Order and, unless otherwise so described, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.0 metres, is authorised as a parking place for vehicles of all classes.
- (2) Each area on a highway comprising the lengths of carriageway described in the **Sixth Schedule** to this Order and, unless otherwise so described, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.0 metres, is designated as a parking place for disabled persons vehicles.
19. The limits of each parking place and the limits of any parking space shall be indicated by a road marking appropriate to the position in which a vehicle may park.
20. Nothing in Article 18 of this Order shall restrict the power of a police constable or of the Council to suspend any parking place or any part thereof in accordance with the provisions of Article 33 of this Order.

PARKING PLACES WITH LIMITED WAITING TIME (No Permits)

21. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a Parking Attendant, cause or permit any vehicle to wait in any of the parking places described in columns 1 and 2 of an item in the **Fifth Schedule** to this Order on the days and between the times (hereinafter referred to as "the said hours") specified in the corresponding column 3 of that item
- (i) for a longer period than that specified in the corresponding column 4, or
- (ii) if a period of less than the time specified in the corresponding column 5 has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of road.

DISABLED PERSONS VEHICLE PARKING PLACES

22. SAVE as provided in Part F of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to wait in any of the parking places specified in the **Sixth Schedule** to this Order unless it is a disabled persons vehicle which displays in the relevant position a disabled person's badge.

CONDUCT OF PARKING PLACES

23. PROVIDED ALWAYS that the provisions of Part G of this Order shall apply to any authorised parking place and, in the event of any contravention of, or non-compliance with, a provision of Part G of this Order, the person responsible shall be guilty of an offence.

PART F

Exemptions from prohibitions and restrictions

EXEMPTION FOR EMERGENCY SERVICES

24. Nothing in this Order shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

EXEMPTION FOR LOADING AND UNLOADING OF GOODS

25. (1) Nothing in Parts B or D, or in Article 21 in Part H, of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road or in any parking place for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle.

(2) Notwithstanding anything in paragraph (1) of this Article, the driver of a vehicle waiting for the purposes of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the vehicle on the instruction of a police constable in uniform or a Parking Attendant whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

EXEMPTION FOR HACKNEY CARRIAGES

26. Nothing in Part B of this Order shall apply to a licensed taxi, whilst plying for hire upon a duly authorised cab rank appointed by the Tonbridge and Malling Borough Council in accordance with the provisions of section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 or any modification or re-enactment of the same for the time being in force and standing wholly within the limits of the marking for taxi ranks prescribed in diagram 1028.2 of Schedule 6 to the Traffic Signs Regulations and General Directions 2002.

EXEMPTION FOR POLICE VEHICLES

27. Nothing in Part B of this Order shall render it unlawful to cause or permit any police vehicle to wait whilst standing wholly within the limits of the marking for police vehicle waiting places prescribed in diagram 1028.2 of Schedule 6 to the Traffic Signs Regulations and General Directions 2002.

EXEMPTION FOR DOCTORS, NURSES, etc

28. Nothing in Part D of this Order shall render it unlawful to cause or permit a vehicle to wait in any residents' parking place for so long as may be necessary to enable a registered medical practitioner, or a Midwife, a District Nurse or a Health Visitor registered under the Nurses, Midwives and Health Visitors Act 1979 to make a house call on a patient.

EXEMPTION FOR CLEANING etc

29. Nothing in Part D of this Order shall render it unlawful to cause or permit a vehicle to wait in any residents' parking place for so long as may be necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or for cleaning windows or chimneys, in premises adjacent to the parking place in which the vehicle is waiting; or for the cleaning of telephone kiosks adjacent to the parking place.

GENERAL EXEMPTION FROM PROHIBITIONS AND RESTRICTIONS

30. Nothing in Parts B, D or E of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road or in any parking place for so long as may be necessary for any of the following purposes -

(a) to enable a person to board or alight from the vehicle or to load thereon or to unload there from personal luggage;

(b) to enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;

(c) to enable the vehicle to be used in connection with any of the following operations, namely -

(i) any building operation or demolition; or

(ii) the removal of any obstruction to traffic; or

(iii) the maintenance, improvement or reconstruction of that length of road; or

(iv) the laying, erection, alteration or repair in or near that length of road of any sewer or of any main, pipe, or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984; or

(v) to enable the vehicle to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties

if the vehicle cannot be used for such a purpose without stopping on the length of road.

(d) to enable the vehicle to be used for a purpose authorised and described on a permit issued by the Director of Planning and Transportation on behalf of the Council provided such permit is displayed on the vehicle in the appropriate position;

(e) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act, 1953;

(f) to enable the vehicle to wait at or near to any premises situated on or adjacent to any of the said lengths or sides of road for so long as waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;

(g) if the vehicle is waiting in any case where the person in control of the vehicle is -

(i) required by law to stop; or

(ii) obliged to do so in order to avoid an accident; or

(iii) prevented from proceeding by circumstances beyond his control

DISABLED PERSONS' VEHICLES

31. Nothing in Articles 3 to 5 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the roads, lengths of road or sides of road referred to in any of the said Articles 3 to 5 for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle that length of road).

32. Nothing in Articles 13 to 15 inclusive or in Article 21 of this Order shall render it unlawful to cause or permit a disabled persons' vehicle which displays in the relevant position a disabled persons' badge to wait without limit of time in any of the roads, lengths of road, sides of road or parking places referred to in the said Articles 13 to 15 or 21.

PART G

Conduct of Parking Places

SUSPENSION OF PARKING PLACES

33. (1) The Council may, by Notice or by Order, suspend the use of any parking place or any part thereof

- (a) if it is satisfied that use of that parking place should be restricted or prohibited by reason that works are being or are proposed to be executed on or near the road, or by reason of the likelihood of danger to the public or of serious damage to the highway, or
- (b) in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; or
- (c) for preventing obstruction of the streets on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed,

subject to such conditions or exceptions as they consider necessary.

(2) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may suspend the use of a parking place or any part thereof for not more than seven days whenever he considers such suspension reasonably necessary -

- (a) for the purpose of facilitating the movement of traffic or promoting its safety; or
- (b) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository; or
- (c) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (d) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

PROVIDED ALWAYS that any person suspending the use of a parking place in accordance with the provisions of this Article shall place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended such traffic signs as are necessary to indicate that waiting by vehicles is prohibited.

MISCELLANEOUS CONDITIONS

34. A driver of a vehicle shall not use a parking place

- (a) so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance;
- (b) when such parking place has been closed in accordance with the provisions of the preceding Article of this Order.

35. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

36. No person shall

(a) sell, offer or exhibit for sale or hire any vehicle while it is in a parking place, or

(b) use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills in handicraft or services in any capacity.

PROVIDED ALWAYS that this Article shall not be deemed to prohibit persons employed in connection with a licensed public service vehicle or a licensed taxi operation from plying for hire or accepting passengers for hire in accordance with any regulation or condition under which the service is required by law to operate;

PROVIDED ALSO that this Article shall not be deemed to prohibit the use of a vehicle in a parking place if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place.

37. No person shall carry out upon any vehicle while it is in a parking place any work of construction cleaning maintenance or repair except such as may be necessary to enable the vehicle to be moved from the parking place.

MOVEMENT AND REMOVAL OF VEHICLES

38. (1) When a vehicle is left in a parking place in contravention of or non-compliance with any of the provisions of this Order a police constable or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

(2) In case of an emergency a police constable or a person authorised in that behalf by the Council may alter the position of that vehicle in the parking place; or remove the vehicle or arrange for it to be removed from that parking place to any place he thinks fit.

(3) Any person altering the position of a vehicle in, or removing a vehicle from, a parking place by virtue of the preceding paragraphs of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

SAFE CUSTODY OF VEHICLES REMOVED FROM PARKING PLACES

39. When a police constable or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of the preceding Article he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle

PART H

Parking Charges and Method of Payment

PARKING CHARGES

40. (1) The parking charge and the parking period for a vehicle left in a designated parking place referred to in the Schedule or Part of the Schedule referred to in an item in the second column of the Table shall be determined by reference to the corresponding items in the third and fourth columns of the Table.

**TABLE
(Article 40)**

1	2	3	4	5
Item	Schedule	Parking Charge	Parking Period	Chargeable hours
1	Third Schedule	£0.20	thirty minutes	8.0am to 6.0pm on Mondays - Saturdays
		£0.60	one hour	
		£1.00	two hours	
		£1.50	three hours	

(2) No parking period for a designated parking place referred to in an item in the second column of the Table above shall exceed the maximum length of time mentioned in the corresponding item in the fourth column.

TICKET MACHINES TO BE INSTALLED AT PARKING PLACES

41. (1) There shall be a ticket machine on or in the vicinity of each parking place referred to in the **Third Schedule**.

(2) No parking charge shall be payable in respect of any vehicle waiting in a designated parking place during the chargeable hours if

(a) at the time the vehicle was left in that parking place there was on the ticket machine relating to that parking place a notice placed by any person duly authorised by the Council indicating that the ticket machine relating to that parking place is out of order; and

(b) there is no other ticket machine available to be used for that parking place; and

(c) the vehicle is removed within three hours of the ticket machine defect being rectified.

PROVIDED ALWAYS that if any such vehicle is not removed within that period the parking charge shall be treated as having been incurred and paid at the time when the vehicle was left in the parking place and all the provisions of this Order shall apply accordingly.

PAYMENT OF PARKING CHARGE

42. (1) The parking charge shall be payable on the leaving of the vehicle in a charged parking place by the insertion in the ticket machine relating to the parking place in which the vehicle is left of coins to the value of the parking charge.

(2) Payment of the parking charge for any vehicle left during the chargeable hours in a charged parking place shall be indicated by the issue by the ticket machine relating to that parking place of a numbered parking ticket indicating the amount of parking charge which has been paid, and by the exhibition of that parking ticket on the vehicle in the relevant position.

(3) No parking charge shall be payable in respect of any vehicle waiting in a designated parking place during the chargeable hours in accordance with the provisions of Part F of this Order.

INDICATION OF EXPIRY OF PARKING PERIOD

43. The expiry of the parking period for which the parking charge has been paid for a vehicle left in a charged parking place shall be indicated when there is exhibited on the vehicle a parking ticket issued by the ticket machine relating to the parking place in which the vehicle is left showing the

day and time of payment of the charge, and the time shown on the clock on the said ticket machine is more than the duration of the parking period later than the time shown on that parking ticket.

INDICATIONS BY TICKET MACHINES AND PARKING TICKETS AS EVIDENCE

44. If at any time when a vehicle is left in a parking place during the permitted hours the clock on the ticket machine relating to the parking place in which the vehicle is left and on the parking ticket exhibited on the vehicle give the indication given in the preceding Article, it shall be presumed unless the contrary is proved that the parking charge has been duly paid, and the parking period for which payment was made by the parking charge has already expired.

INSERTION OF ADDITIONAL COINS

45. (1) No person shall insert in the ticket machine relating to the parking place in which the vehicle is left any coins additional to those inserted by way of payment of the parking charge in respect of that vehicle.

(2) No person shall display on any vehicle left in a charged parking place during the chargeable hours any parking ticket subsequent to the parking ticket that was displayed at the time the vehicle was first left in the parking place unless the provisions of Article 13(3) have first been complied with.

PART J

Provisions Relating to Parking Permits.

PARKING ZONES

46. (1) For the purposes of administering parking schemes the Council shall define by name and unique reference code such parking zones as are necessary.

(2) The names, unique reference codes and addresses of premises which comprise each parking zone shall be as detailed in Part 4 of the **Fourth Schedule** to this Order.

TYPES OF PERMIT AND ELIGIBILITY

47. The Council may issue a parking permits of the types described in an item in column 2 of the Table to Article 48.

48. (1) Any person owning a class of vehicle as described in an item in column 4 of the Table and meeting the qualification requirement described in column 3 of the corresponding item may make application to the Council for the issue of a permit of a type described in column 2 of that item.

(2) Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by the appropriate remittance.

(3) For the purposes of this Part of the Order "owner" means a person in whose name the vehicle is registered, or in the case of leased or company owned vehicles, the person who is entitled to use that vehicle.

**TABLE
(Article 48)**

1	2	3	4	5
Item	Type of Permit	Qualification	Class of vehicle	Appropriate remittance
1	Residents	Residents as defined in Article 2	a motor vehicle being either a passenger vehicle or a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with a sidecar	£30.00 Zones A, B & C (West Malling) and £25.00 for Zones D, E, F, G, J, K, L, M, N & P (Tonbridge & Blue Bell Hill) These charges also cover the cost of 10 Visitor Permits.
2	Business	Persons whose main place of work is at premises located in a qualifying street as listed in the Fourth Schedule , Part 4	a motor vehicle being either a passenger vehicle or a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with or without a sidecar	£100

APPLICATIONS FOR PERMITS

49. On receipt of any application duly made under the foregoing provisions of this part of the Order and of the appropriate remittance the Council, upon being satisfied that the applicant is the owner of a permitted class of vehicle as described in an item in column 4 of the Table to Article 48 and meets the qualification requirement described in column 3 of the corresponding item may issue to the applicant one Parking Permit for the leaving in a parking place in the Zone indicated on the permit of the vehicle to which such Parking Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

PROVIDED ALWAYS that, subject to the provisions of Article 56, the Council shall not issue to any resident a permit which would be valid for any period during which any other permit issued to that resident extends.

CHARGES FOR RESIDENTS and BUSINESS USERS PERMITS

50. "appropriate remittance" means a remittance of the sum indicated in an item in column 5 of the Table to Article 48 appropriate to the type of permit for which application is being made and shall be for the twelve month period commencing on the first day of the permit year for a Permit in respect of Designated Parking Places referred to in the **Fourth Schedule** to this Order; and

"permit year" means a period of 12 calendar months commencing on the first day of the month of issue in any year.

REFUND OF CHARGES FOR PERMITS

51. A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a full refund of the charge paid in respect of the issue thereof.

VERIFICATION OF PARTICULARS

52. The Council may at any time require an applicant for a residents' or business parking permit or a permit holder to produce to an Officer of the Council such evidence in respect of that application or any parking permit issued by the Council as they may reasonably require to verify any particulars or information given to them or that the permit is valid.

TRANSFER OF PERMIT ON CHANGE OF VEHICLE

53. A Parking Permit shall be available for use only on the vehicle in respect of which it is issued but in the event of the permit holder disposing of such vehicle he shall be entitled to have the Parking Permit issued for the remainder of the twelve month period in respect of any substitute vehicle and the Council, upon being satisfied as to the change of vehicles shall upon payment of a fee of £10 and the surrender of the current permit issue a replacement permit and upon such issue the current permit shall become invalid.

TERMINATION OF RIGHTS

54. The Council shall be entitled to terminate all rights granted by the parking permit if at any time there is any contravention of any of the provisions contained in this Order **WITHOUT PREJUDICE** to any other rights of the Council against the Parking Permit holder in respect of the breach of condition giving rise to the termination of the rights granted by that residents' or business parking permit.

PROVIDED ALSO where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

SURRENDER, WITHDRAWAL AND VALIDITY OF PARKING PERMITS

55. (1) A parking permit shall not be assigned or transferred to any other person except as hereinafter provided but a permit holder may surrender a permit to the Council at any time and shall surrender a permit on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) The Council may, by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (3) (a), (b) or (c) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt to the aforementioned notice.

(3) The events referred to in the foregoing provisions of this Article are:-

(a) the parking permit holder ceasing to be a resident in the Parking Zone as described in Part 4 of the Fourth Schedule to this Order for which the residents' parking permit in question was issued;

(b) the parking permit holder ceasing to be the owner of the vehicle in respect of which the parking permit was issued;

(c) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 48 of this Order.

(d) the issue of a revised permit or a duplicate permit by the council under the provisions of the next following Article of this Order;

(e) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(f) the withdrawal of such permit by the Council under paragraph (2) of this Article;

(4) WITHOUT PREJUDICE to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is earlier.

(5) Nothing in the foregoing provisions of this Article shall affect the validity of or require the surrender of or enable the Council to withdraw the permit or not renew it on the grounds that the event set out in paragraph (3) (b) of this Article has occurred if the permit holder has duly applied to the Council for the permit to be amended pursuant to Article 53 of this Order.

ISSUE OF DUPLICATE PERMITS

56. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon the receipt of the permit, shall issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid.

(2) If a permit is lost or destroyed the permit holder may apply to the Council for the issue of a duplicate and the Council, upon being satisfied as to the loss or destruction shall upon payment of a fee of , 10 issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid.

(3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or as the case may be an application therefor.

PART K

VISITORS PARKING PERMITS

VISITORS' PARKING PERMITS

57. Any resident may apply to the Council for the issue of one or more visitors' parking permits for a vehicle or vehicles of the classes described in Article 48 of this Order and belonging to a person or persons visiting that resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by the appropriate remittance.

CHARGES FOR VISITORS' PERMITS

58. For the purposes of this Part of the Order "appropriate remittance" means a remittance for the sum of £10 for each permit applied for. Each permit shall be valid to be used for a maximum period of 24 hours on 10 occasions.

APPLICATIONS FOR VISITORS' PERMITS

59. On receipt of any application duly made under the foregoing provisions of this part of the Order, and of the remittance specified in the previous Article the Council, and upon being satisfied that the applicant is a resident, shall issue to the applicant one or more visitors' parking permits for the leaving of a vehicle belonging to or being used by a person visiting that resident in a parking space in any parking place in the Parking Zone to which such visitors' parking permit relates.

60. The Council may at any time require an applicant for a visitors' parking permit to produce to an officer of the Council such evidence in respect of that application as they may reasonably require to verify any particulars or information given to them.

VALIDATION and USE OF VISITORS' PERMITS

61. A visitors' parking permit shall be valid as if it were a residents' parking permit issued by the Council pursuant to Part J of this Order if and only if on the face of the permit there is indicated as required the day, date and month of the occasion upon which the permit is being used.

**SIGNED FOR AND ON BEHALF OF
THE KENT COUNTY COUNCIL BY
ADAM WILKINSON MANAGING
DIRECTOR FOR ENVIRONMENT
AND REGENERATION FOR KENT
HIGHWAY SERVICES, OR BY HIS
AUTHORISED SIGNATORY**

**HEAD OF TRANSPORT AND
PLANNING (WEST KENT)**

DATED THE 18TH DAY OF MARCH 2008.

SCCHEDULE

“The Kent County Council (Various Roads, Tonbridge and Malling)(Waiting Restrictions and On-Street Parking Places) Order, 2008” (Order of 2007) is amended as follows:

Table (to Article 48) of the Order of 2007 shall be deleted and replaced with the Table below.

TABLE
(Article 48)

1	2	3	4	5
Item	Type of Permit	Qualification	Class of vehicle	Appropriate remittance
1	Residents	Residents as defined in Article 2	a motor vehicle being either a passenger vehicle or a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with a sidecar	£30.00 Zones A, B & C (West Malling) and £25.00 for Zones D, E, F, G, J, K, L, M, N & P (Tonbridge and Blue Bell Hill). These charges also cover the cost of 10 Visitor Permits.
2	Business	Persons whose main place of work is at premises located in a qualifying street as listed in the Fourth Schedule, Part 4	a motor vehicle being either a passenger vehicle or a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with or without a sidecar	£100

NOTE: The above amends the *Order of 2007* as follows:

1. Business Parking Permit ‘Qualification’ to: *persons whose main place of work is at premises located in a qualifying street as listed in the Fourth Schedule, Part 4;* and

2. On-street parking charges for the issue of new and renewed residents’ permits (combined with a sheet of ten visitors’ permits) to: £30.00 for Zones A, B & C (West Malling; £25.00 for Zones D, E, F, G, J, K, L, M, N & P (Tonbridge & Blue Bell Hill). A Charge for subsequent visitors’ permits is £10.00 per 10 permits. NB. These charges are a contribution towards the cost of administering, maintaining and enforcing the schemes throughout the Borough.

The First Schedule of the Order of 2007 shall be amended to include the Schedule below.

FIRST SCHEDULE

Prohibition and restriction of waiting

NO WAITING AT ANY TIME ON ALL DAYS

TOWN – Tonbridge

<u>ADD to First Schedule of Order of 2007</u>	
Barden Road	Both sides – from its junction with Holford Street, in an easterly direction to Railway Approach.

NOTE: The above amends the First Schedule of the Order of 2007 to include the specified part of Barden Road.

The Third Schedule of the Order of 2007 is deleted and replaced with Schedule below:

THIRD SCHEDULE

**STREET OR LENGTH OF STREET
DESIGNATED A PARKING PLACE AT ALL TIMES (PAY & DISPLAY)**

WHERE PARKING IS PERMITTED FOR A MAXIMUM PERIOD OF THREE HOURS BETWEEN 8.00am AND 6.00pm ON MONDAY - SATURDAY UPON PAYMENT OF THE INITIAL CHARGE REFERRED TO IN ITEM 1 OF THE TABLE TO ARTICLE 40 – EXCEPT FOR RESIDENTS' PERMIT HOLDERS.

TOWN – Tonbridge (Zone D)

AVEBURY AVENUE

North side -

(a) from a point 52 metres from the junction with River Lawn Road westwards for a distance of 54 metres;

(b) from a point 2 metres west of the eastern flank wall of flat block nos 36 to 46 westwards for a distance of 32 metres;

(c) from a point 31 metres from the junction with Barden Road eastwards for a distance of 62 metres

South side - from a point 39 metres from the junction with Holford Street westwards for a distance of 10 metres

DANVERS ROAD

North side - from a point 6 metres from the junction with Holford Street eastwards for a distance of 72 metres

East side - from a point 9 metres from the junction with Barden Road northwards for a distance of 28 metres

HOLFORD STREET West side -

- (a) from a point 10 metres from the junction with Barden Road northwards for a distance of 16 metres;
- (b) from a point 13 metres south of the junction with Avebury Avenue southwards for a distance of 34 metres

NOTE: The above amends the Third Schedule (Pay & Display) of the Order of 2007 to include an exemption for Residents' Parking Permit Holders only. All other details remain the same.

The Fourth Schedule (Part 2) of the Order of 2007 is amended to include:

FOURTH SCHEDULE

PART 2

STREET OR LENGTH OF STREET (SPECIFIED IN COLUMNS 1 & 2) - DESIGNATED A PARKING PLACE AT ALL TIMES WHERE PARKING IS PROHIBITED BETWEEN THE TIMES SPECIFIED (IN COLUMN 3) ON THE DAYS SPECIFIED (IN COLUMN 4) EXCEPT FOR PERMIT HOLDERS

TOWN – Tonbridge (Zone L)

1	2	3	4
Name of Road	Length of road	Times during which restriction applies	Days upon which restriction applies
Kendal Drive	<p>North Side – from a point opposite the western building line of 15 Hadlow Road for a distance of 15 metres in a westerly direction.</p> <p>East Side – from a point 11 metres north of the northern kerbline of Kendal Drive for a distance of 15 metres in a northerly direction.</p> <p>West Side – a) from a point 35 metres north of the northern kerbline of Kendal Drive for a distance of 12 metres in a northerly direction, and b) from a point 55 metres north of the northern kerbline of Kendal Drive for a distance of 7 metres in a northerly direction.</p> <p>South Side – from a point 15 metres west of the boundary of 3/4 Kendal Drive for a distance of 9 metres in a westerly direction.</p>	Monday to Saturday	8.00am – 9.00am and 2.00pm – 3.00pm (except for Zone L permit holders)

FOURTH SCHEDULE

PART 2 (Continued)

STREET OR LENGTH OF STREET (SPECIFIED IN COLUMNS 1 & 2) - DESIGNATED A PARKING PLACE AT ALL TIMES WHERE PARKING IS PROHIBITED BETWEEN THE TIMES SPECIFIED (IN COLUMN 3) ON THE DAYS SPECIFIED (IN COLUMN 4) EXCEPT FOR PERMIT HOLDERS

TOWN – Tonbridge (Zone D)

1	2	3	4
Name of Road	Length of road	Times during which restriction applies	Days upon which restriction applies
Barden Road	North Side – from a point 10 metres east of the junction with Holford Street eastwards to a point in line with the party wall of Nos 30/32 Barden Road.	Monday to Saturday	9.30am – 10.30am and 5.00pm – 6.00pm (except for Zone D permit holders)

NOTE: The above amends the Fourth Schedule (Part 2) of the *Order of 2007* to include the specified parts of Barden Road and Kendal Drive.

The Fourth Schedule (Part 4) of the *Order of 2007* is amended to include:

FOURTH SCHEDULE

PART 4

ZONES FOR RESIDENTS' PERMITS.

TOWN – Tonbridge (Zone L)

Residents having an address described in this column	may purchase a Residents' Parking Permit to park without limit of time in a designated parking bay in any of these roads.
Church Street East Street Kendall Close Kendall Drive Lime Tree Close Lyons Crescent Mill Land Mill Crescent	Church Street East Street Kendall Drive Lime Tree Close Lyons Crescent Mill Land Mill Crescent

NOTE: The above amends the qualification for permit (Fourth Schedule Part 4) of the *Order of 2007* to include Kendall Drive and Kendall Close (as indicated) to park their cars in designated on-street parking places anywhere in Zone L.

The Fifth Schedule of the Order of 2007 is amended to include:

FIFTH SCHEDULE

STREET OF LENGTH OF STREET SPECIFIED (IN COLUMNS 1 & 2) WHERE PARKING IS LIMITED TO THE TIME SPECIFIED (IN COLUMN 4) WITH NO RETURN BEFORE THE TIME HAS ELAPSED SINCE THE LAST PERIOD OF PERMITTED WAITING SPECIFIED (IN COLUMN 5) ON THE DAYS AND BETWEEN THE TIMES SPECIFIED (IN COLUMN 3). NO EXEMPTIONS FOR PERMIT HOLDERS.

TOWN – Tonbridge (Zone D)

1	2	3	4	5
Name of Road	Length of road	Days and times on which restriction applies	Maximum permitted waiting time	Period to elapse since last period of permitted waiting
Barden Road	North Side – from a point 10 metres west of Danvers Road westwards to a point in line with the party wall of Nos 30/32 Barden Road	Monday to Saturday 8.00am to 6.00pm	1 hour	1 hour

NOTE: The above amends the Fifth Schedule of the Order of 2007 by including the specified part of Barden Road (N.B. No exemptions for Permit holders).