

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL

ZONE HB (RESIDENTS PARKING) (HIGH BROOMS, TUNBRIDGE WELLS) ORDER 2012

The Kent County Council, in exercise of the powers given to them under sections 1, 2, 4, 32, 35, 36, 39, 45 and 47 of the Road Traffic Regulation Act, 1984, (hereinafter referred to as "the act of 1984"), as amended by section 1 of the Road Traffic Regulation (Parking) Act, 1986 and as amended by the Traffic Management Act 2004 Part 6 and of all other powers enabling them in that behalf, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby make the following Order:-

PART I

GENERAL

Commencement and Citation

1. This Order shall come into operation on the 17th September 2012 and may be cited as the Kent County Council Zone HB (Residents Parking) (Tunbridge Wells) Order 2012

Interpretation

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

"civil enforcement area"	means an area where Civil Enforcement of parking restrictions can be enforced as defined in the Traffic Management Act 2004
"civil enforcement officer"	means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the Traffic Management Act 2004 (Civil Enforcement Area)
"driver", in relation to a vehicle waiting in the 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
"delivering" and "collecting"	in relation to any goods, includes checking the goods for the purpose of their delivery or collection
"dual purpose vehicle"	has the same meaning as in Schedule 6 to the Act of 1984
"goods vehicle"	means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and, unless it is an articulated vehicle within the meaning of section 138 of the Act of 1984, is not drawing a trailer
"motor cycle"	has the same meaning respectively as in section 136 of the Act of 1984
"invalid carriage"	has the same meaning respectively 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"	means a parking attendant employed by Tunbridge Wells Borough Council in pursuance of powers granted by The Road Traffic

P/24/8/2012/TW/1103

(Permitted Parking Area and Special Parking Area) (County of Kent)
(Borough of Tunbridge Wells) Order 1999

"the parking place"	means the area on the highway designated as a parking place by Article 3 of this Order
"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
"residents' permit"	means a permit issued under the provisions of Article 5 of this Order
"residents' permit holder"	means a person to whom a permit has been issued under the provisions of Article 5 of this Order
"permitted hours"	means the days and hours of operation of the parking places as specified in the schedule to this order
"resident"	means a person whose usual place of abode is at premises the postal address of which is listed in the Schedule to this order
"visitor"	means a person who is visiting a resident
"visitors' permit"	means a visitors' permit issued under the provisions of Article 14 of this Order
"visitors' permit holder"	means a person to whom a permit has been issued under the provisions of Article 14 of this Order
"household unit"	means a building used as a single dwelling or divided horizontally
"telegraphic line"	has the same meaning as in the Telegraph Act 1878
"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
"traffic warden"	means a traffic warden employed by a police authority in pursuance of section 95 of the Act of 1984
"junction"	means the intersection point of the centre lines or projected centre lines of the highways specified
"weekday"	means any day of the week except Saturday and Sunday

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

Designation of Parking Place

3. The areas on the highway which are described as parts of road authorised to be used as street parking places in the Schedule to this Order are designated as the parking places for use by motor cars, motorcycles and invalid carriages as defined in S136 of the Road Traffic Regulation Act 1984 when parked wholly within the limits of the parking place and, except motorcycles, parallel to the kerb and adjacent to the edge of the carriageway.

Vehicles for which Parking Place is Designated

4. (1) Save as provided in this article the driver of a vehicle shall not except upon the direction or with the permission of a police constable in uniform or of a traffic warden or of a civil

enforcement officer cause or permit any vehicle to wait in any parking place specified in the Schedule to this Order between 9am and 5pm on any weekday for longer than two hours

- (2) When a vehicle has left a parking place specified in the Schedule to this Order after waiting thereon the driver thereof shall not within four hours after its leaving permit it to wait again upon that parking place.
- (3) Nothing in this Article shall apply to such vehicles as display, in the manner specified in either Article 9 or Article 17 of this Order, a valid permit issued by the Council in respect of that vehicle and in respect of that area specified on the permit.
- (4) Nothing in this Article shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in this Article for so long as may be necessary:-
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable goods to be loaded onto or unloaded from the vehicle;
 - (c) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (d) to enable the vehicle, if it cannot conveniently be used for such a purpose in any other road, to be used in the service of any local authority or with the permission of any such authority in pursuance of statutory powers and duties;
 - (e) to enable the vehicle, if it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any roadworks or the laying, erection and alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;
 - (f) or to enable the vehicle to be used for police, ambulance or fire brigade purposes.

Application for and Issue of Residents' Permits

5. (1) Any resident who is the owner of a vehicle of the following class, that is to say a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle, may apply to the Council for the issue of a resident's permit for the leaving of that vehicle. 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 a remittance for such charge specified in Article 10 of this Order as is appropriate in respect of the permit for which application is being made, subject to
 - (a) a maximum issue of two resident's permits per household unit in the case of those postal addresses listed in the APPENDIX to this Order with further resident's permits being issued at the discretion of officers and
- (2) The Council may at any time require an applicant for a resident's permit or a resident's permit holder to produce to an officer of the Council such evidence in respect of an application for a resident's permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any resident's permit issued by them as they may reasonably require to verify that the resident's permit is valid.
- (3) On receipt of an application duly made under the foregoing provisions of this Article, and of the appropriate fee specified in Article 10 of this Order, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle or vehicles of a class specified in paragraph (1) of this Article, may issue to the applicant a resident's

permit, subject to the limits specified in sub-paragraphs (1) (a) and (1) (b) of this Article, for the leaving in the parking place of the vehicle to which such 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 that, subject to the provisions of Article 7 of this Order, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid.

Surrender, Withdrawal and Validity of Residents' Permits

6. (1) A resident's permit holder may surrender a resident's permit to the Council at any time and shall surrender a resident's permit to the Council 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 resident's permit holder by sending the same by the recorded delivery service to the resident's permit holder at the address shown by that person on the application for the resident's permit or at any other address believed to be that person's place of abode, withdraw a resident's permit if it appears to the Council that any one of the events set out in paragraphs 3(a), 3(b) or 3(d) of this Article have occurred and the resident's permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the resident's permit holder ceasing to be a resident;
 - (b) the resident's permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (c) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 5 of this Order;
 - (e) the issue of a duplicate resident's permit by the Council under the provisions of Article 7 of this Order;
 - (f) the resident's permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) A resident's permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraphs (3)(a), (3)(b), (3)(c), (3)(d) and (3)(e) of this Article, whichever is the earlier.
- (5) The Council may at any time require a resident's permit holder to produce to an officer of the Council such evidence in respect of any resident's permit issued by them as they may reasonably require.
- (6) Where a resident's permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the resident's 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 resident's permit holder at the address shown by that person on the application for the resident's permit or at any other address believed to be that person's place of abode, require that person to surrender the resident's permit to the Council within 48 hours of the receipt of the aforementioned notice.

Application for and Issue of Duplicate Residents' Permits

7. (1) If a resident's permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the resident's permit has become altered by fading or otherwise, the resident's permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate resident's permit and the Council, upon the receipt of the resident's permit, shall issue a duplicate resident's permit so marked and upon such issue the resident's permit shall become invalid.
- (2) If a resident's permit is lost or destroyed, the resident's permit holder may apply to the Council for the issue to him of a duplicate resident's permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate resident's permit so marked and upon such issue the resident's permit shall become invalid.
- (3) A resident's permit holder may apply to the Council for the issue to him of a duplicate resident's permit but in respect of a different vehicle provided that
 - (a) The original permit, or duplicate if one had subsequently been issued, is returned to the Council and
 - (b) that the requirements of Article (5) in relation to the vehicle are met.
- (4) The provisions of this Order shall apply to a duplicate resident's permit and an application therefore as if it were a resident's permit or as the case may be an application therefore.
- (5) The fee for the issue of a duplicate residents' permit shall be set, and may be varied, by the Council such as to cover all the Council's reasonable costs associated with the issue of said duplicate residents' permit. Where a duplicate resident's permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the requirements set out in Article 6 (6) shall apply.

Form of Resident's Permits

8. A resident's permit shall be in writing and shall include the following particulars:-
 - (1) the registration mark of the vehicle in respect of which the resident's permit has been issued;
 - (2) the period during which, subject to the provisions of Article 6 (4) of this Order, the resident's permit shall remain valid;
 - (3) an indication that the resident's permit has been issued by the Council;
 - (4) the name of the zone for which the resident's permit has been issued;
 - (5) an indication that the charge appropriate to the period during which the resident's permit shall remain valid has been paid to the Council in connection with the issue of the resident's permit.

Display of Residents' Permits

9. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed a valid resident's permit issued in respect of that vehicle. In the case of a vehicle without a fixed windscreen or a motorcycle, the permit shall be displayed on the near side of the vehicle or motorcycle. In the case of any other vehicle, the permit shall be displayed on or adjacent to the near side of the windscreen. The permit shall be so displayed that all the particulars referred to in Article 8 of this Order are clearly visible in daylight from the near side or front of the vehicle.

Amount of Charge at Parking Place

10. The charge in connect with the issue of a resident's permit for the leaving of a vehicle in the parking place shall be set in the current "residents parking zone charges order" for a period of 12 months from the date of issue.

Payment of the Charge in Connection with the Issue of Residents' Permits

11. The charge in respect of the issue of a resident's permit for the leaving of a vehicle in the parking place shall be payable in accordance with the provisions of Article 5 (1) of this Order.

Refund of Charge Paid in Connection with the Issue of a Residents' Permit

12. A resident's permit holder who surrenders a resident's permit to the Council for whatever reason shall be not entitled to a refund of the charge paid in respect of the issue of the resident's permit.

Restriction on the Removal of Residents' Permits and Notices

13. Where a resident's permit has been displayed on a vehicle in accordance with the provisions of Article 9 of this Order, no person, not being the driver of the vehicle, shall remove the resident's permit from the vehicle unless authorised to do so by the driver of the vehicle.

Application for and Issue of Visitor's Permits

14. (1) Any resident of those postal addresses listed in APPENDIX of the Schedule to this Order may apply to the Council for the issue of a book of ten visitors' permits for a vehicle of the class referred to in Article 5 (1) 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.
- (2) The Council may at any time require an applicant for a visitor's permit or a visitor's permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a visitor's permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any visitor's permit issued by them as they may reasonably call for to verify that the visitor's permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the relevant charge specified in Article 16 below, the Council upon being satisfied that the applicant is a resident of a postal address listed in APPENDIX of the Schedule to this Order, shall issue to the applicant therefore a book of visitors' permits of a type specified in Article 16 below, for the leaving of a vehicle of the class specified in paragraph (1) above in a parking place during the permitted hours.

Surrender, Withdrawal and Validity of Visitors' Permits and Refund of Charge Paid

15. (1) A visitor's permit holder may surrender a visitor's permit to the Council at any time and shall surrender a visitor's permit to the Council on the occurrence of the visitor's permit holder ceasing to be a resident in the parking zone in respect of which the visitor's permit was issued.
- (2) The Council may, by notice in writing served on the visitor's permit holder by sending the same by the recorded delivery service to the visitor's permit holder at the address shown by that person on the application for the visitor's permit or at any other address believed to be that person's place of abode, withdraw a visitor's permit if it appears to the Council that the visitor's permit holder has ceased to be a resident and the visitor's permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

- (3). A visitor's permit holder who surrenders a visitor's permit to the Council for whatever reason shall be not entitled to a refund of the charge paid in respect of the issue of the visitor's permit.

Form and Charge of Visitors' Permit

16. A visitor's permit shall authorise parking for up to a maximum of one day and the charge therefore shall be set in the current "residents parking zone charges order" for one book of ten visitors' permits, subject to a maximum of five books being issued per year per household unit with further books of visitor's permits being issued at the discretion of officers.

Display of Visitors' Permits

17. (1) At all times during which a vehicle (other than a vehicle otherwise excepted by this Order) is left in a parking place during the permitted hours, the driver thereof shall cause to be displayed a valid visitor's permit. In the case of a vehicle without a fixed windscreen or a motorcycle, the permit shall be displayed on the near side of the vehicle or motorcycle. In the case of any other vehicle, the permit shall be displayed on or adjacent to the near side of the windscreen. The permit shall be so displayed that all the particulars referred to in subsection (2) of this Article are clearly visible in daylight from the near side or front of the vehicle.
- (2) A valid visitor's permit shall indicate on the obverse face, in accordance with the instructions on the reverse face -
- (a) the registration mark of the vehicle in respect of which the visitor's permit is being used;
 - (b) the date in the month, the month and the year in which the vehicle was left in a parking space
 - (c) an indication of the parking zone within which the visitor's permit is valid.

Restriction on the Removal of Visitor's Permits

18. Where a visitor's permit has been displayed on a vehicle in accordance with the provisions of Article 17, no person, not being the driver of the vehicle, shall remove the visitor's permit unless authorised to do so by the driver of the vehicle. Provided that nothing herein shall apply to a civil enforcement officer, parking attendant or police constable in uniform or a person removing the vehicle in pursuance of an arrangement made by a police constable by or under regulations in pursuance of powers contained in sections 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

Placing of Traffic Signs

19. The Council shall:-
- (a) cause the limits of the parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under section 64 of the Act of 1984;
 - (b) place and maintain on, or in the vicinity of, the parking place, appropriate traffic signs for indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 4 of this Order; and
 - (c) carry out such other works as is reasonably required for the purposes of the satisfactory operation of the parking place.

Manner of Standing in Parking Place

20. Every vehicle left in the parking place in accordance with the foregoing provisions of this Order shall stand so that the distance between the edge of the carriageway and the wheels of the vehicle is not more than 300mm.

Alteration of Position of Vehicle in On-Street Parking Place

21. Where any vehicle is standing in the on-street parking place in contravention of the provision of Article 20 of this Order, a parking attendant or a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicles from Parking Place

22. Where a parking attendant or a civil enforcement officer is of the opinion that the provisions contained in Article 4 of this Order have been contravened or not complied with in respect of a vehicle left in the parking place, he may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

Movement of Vehicles in On-Street Parking Place in Emergencies

23. A police constable in uniform or a traffic warden or a civil enforcement officer may in case of emergency move or cause to be moved any vehicle left in the parking place to any place he thinks fit.

Power to Suspend use of Parking Place

24. (1) Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line or traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for 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.
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; and
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of the parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to the parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.

- (4) No person shall cause or permit a vehicle to be left in the parking place or part of the parking place during such period as there is in, or adjacent to, the parking place or part thereof, a traffic sign placed in pursuance of paragraph (3) of this Article.
- (5) Provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in paragraph (1) of this Article to be left in the parking place or part of the parking place during any such period, or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, (ii) of a police constable in uniform or (iii) of a traffic warden or (iv) of a civil enforcement officer.

Restriction of Use of Vehicle at Parking Place

25. Whilst any vehicle is in the parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his or her skill or services provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected.

General

26. In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Road Traffic Regulation Act 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or provision, the provisions of this Order shall prevail except where such provisions are contained within an existing Disabled Persons Parking Places Order.

Given under the Common Seal of Kent County Council

This 24th day of August 2012.

THE COMMON SEAL OF
KENT COUNTY COUNCIL
was hereunto affixed
in the presence of:-



AUTHORISED SIGNATORY



749

THE SCHEDULE

ZONE HB

Two hour limited waiting Monday to Friday 9am to 5pm, return prohibited within four hours, except permit holders

Brook Road, Tunbridge Wells	north and east side	from a point 15 metres south east of its junction with Oak Road to a point 50 metres north of its junction with Rymers Close
Clifton Road, Tunbridge Wells	east side	from a point 20 metres north its junction with Sandhurst Road to a point 15 metres south of its junction with Brook Road
Clifton Road, Tunbridge Wells	west side	from a point 40 metres north of its junction with Brook Road to a point 140 metres north of that junction
Oak Road, Tunbridge Wells	east side	from a point 15 metres north of its junction with Sandhurst Road to a point 20 metres south of its junction with Brook Road

APPENDIX

Postal addresses comprising 'Zone HB' whose residents are eligible to purchase a maximum of two resident's permits per household unit and visitors' permits.

Brook Road	Numbers 1 to 39 inclusive
Clifton Road	
Oak Road	