

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS)
(PROHIBITION OF WAITING EXCEPT TAXIS) ORDER 2014
ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL (“the Council”) acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 4, 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”) and as amended by the Traffic Management Act 2004 Part 6 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 of 1984, hereby makes the following Order.

Preamble

This Order shall come into operation on the 1st day of December 2014 and may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS, TUNBRIDGE WELLS)(PROHIBITION OF WAITING EXCEPT TAXIS) ORDER 2014

Interpretation

(1) In this Order:-

“driver”	in relation to a vehicle waiting in a taxi bay, means the person driving the vehicle at the time it was left in the taxi bay;
“junction”	means the intersection point of the centrelines, or projected centrelines, of the roads specified
“owner” and “traffic sign”	have the same meanings as in Section 142 of the 1984 Act
“civil enforcement area”	means an area where civil enforcement of parking restrictions can be undertaken 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);
“penalty charge”	has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;
“penalty charge notice”	has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;
“postal packets”	has the meaning as defined in Section 125 (1) of the Postal Services Act 2000
“specified road”	means the road or roads specified in the Schedule to this Order.
“taxi”	means any vehicle licensed by Tunbridge Wells Borough Council under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869 or under any similar enactment;
“taxi bay”	means any area of carriageway specified in the Schedule to this Order reserved for use by taxis plying for hire;
“universal service provider”	shall have the same meaning ascribed to it in section 4(1) of the Postal Services Act 2000;

Restrictions Imposed

(1) The lengths of road specified in the Schedule to this Order are authorised for use as taxi bays for use by taxis plying for hire as specified in Article (2) subject to said taxis being parked wholly within the limits of the marked bay and parallel to the kerbline.

- (2) Save as provided in Article (3) of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer cause or permit any vehicle to wait
- (a) at any time in any of the lengths of road specified in PART ONE the Schedule to this Order unless such vehicle is a taxi, or
 - (b) at any time, except for taxis between the hours of 9pm and 6am on the next following day, in any of the lengths of road specified in PART TWO of the Schedule to this Order, or
 - (c) at any time, except for taxis between the hours of 8am and 6pm on any day, in any of the lengths of road specified in PART THREE of the Schedule to this Order, or
 - (d) between the hours of 6pm and 8am on the next following day, except taxis, in any of the lengths of road specified in PART FOUR of the Schedule to this Order, or
 - (e) at any time, except for taxis between the hours of 11pm and 4am on the next following day, in any of the lengths of road specified in PART FIVE of the Schedule to this Order
- (3) Nothing in Article (2) of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in that Article for so long as may be necessary to:-
- (a) 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 roadwork 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;
 - (b) 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;
 - (c) enable the vehicle, if it is in the service of a universal service provider, is marked as such and being used to deliver or collect postal parcels as defined in section 125 (1) of the Postal Services Act 2000 to premises adjacent to the taxi bay;
 - (d) enable the vehicle to be used for police, ambulance or fire brigade purposes.

Penalty Charges

- (4) Where a person contravenes the prohibitions and requirements set out in this Order, the owner of the vehicle in question shall incur a penalty charge.
- (5) The penalty charge shall be payable to Tunbridge Wells Borough Council in accordance with the instructions contained on the penalty charge notice.

General Provisions Relating to Taxi bays

- (6) The driver of a taxi using a taxi bay shall stop the engine as soon as the taxi is in position in the taxi bay, and shall not start the engine except when about to change the position of the taxi in or to depart from the taxi bay.
- (7) Subject to the proviso hereto, when a vehicle is left in a taxi bay in contravention of any of the provisions in Articles (2) or (3) of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the taxi bay provided that when a taxi is waiting in a taxi bay in contravention of the provision of Article (2) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the taxi in order that its position shall comply with that provision.
- (8) Any person removing a vehicle by virtue of Article (7) 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.
- (9) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a taxi bay by virtue of Article (7) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

- (10) 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 1984 Act, 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.

Revocations in Full

- (11) The following Orders are hereby revoked in full.
- (12) The Kent County Council (Various Roads, Royal Tunbridge Wells)(Provision of Taxi Bays) Order 2005
- (13) The Kent County Council (Various Roads, Royal Tunbridge Wells)(Provision of Taxi Bays) Order 2007
- (14) The Kent County Council (Various Roads, Tunbridge Wells Borough)(Provision of Taxi Bays) Order 2012

Revocations in Part

- (15) The following Order is hereby revoked to the extent specified
- (16) The Kent County Council (Various Roads, Royal Tunbridge Wells)(Provision of Police Bays) Order 2008 only insofar as it relates to Mount Pleasant Avenue.

Citation and Commencement

- (17) This Order may be cited as “The Kent County Council (Various Roads, Tunbridge Wells) (Prohibition of Waiting Except Taxis) Order 2014” and shall come into operation on 1st December 2014.

GIVEN under the Common Seal of The Kent County Council the xxxxxx day of xxxxx 2014.

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL

was hereunto affixed

in the presence of:-

Authorised signatory

THE SCHEDULE

PART ONE

No waiting at any time except taxis

Calverley Road, Tunbridge Wells – Southwest side; between a point 54 metres northwest of its junction with Garden Street and a point 66 metres northwest of that junction

Mount Ephraim Road, Tunbridge Wells - north side; between points 103 metres east and 125 metres east of its junction with Hanover Road

Mount Pleasant Avenue, Tunbridge Wells - south side; between points 13 metres east and 45 metres east of its southern junction with Mount Pleasant Road

Mount Pleasant Road, Tunbridge Wells - west side (in lay-by only fronting Tunbridge Wells Central Station) - between a point 45 metres north of its junction with Grove Hill Road and a point 29 metres south of its southern junction with Mount Pleasant Avenue

The Pantiles (Lower Walk), Tunbridge Wells - north side; between a point 43 metres east of its junction with Linden Park Road to a point 55 metres east of that junction

PART TWO

No waiting at any time except taxis between 9pm and 6am

Camden Road, Tunbridge Wells - east side between a point 30 metres north of its junction with Calverley Road and a point 45 metres north of that junction

PART THREE

No waiting at any time except taxis between 8am and 6pm

Linden Park Road (east-west arm), Tunbridge Wells - south side between a point 110 metres west of its junction with the north -south arm of Linden Park Road and a point 138 metres west of that junction

PART FOUR

No waiting between 6pm and 8am except taxis

Newton Road, Tunbridge Wells – south side; from a point 37 metres east of Mount Pleasant Road to a point 50 metres east of that junction

PART FIVE

No waiting at any time except taxis between 11pm – 4am

Church Road, Tunbridge Wells – south side; between points 58 metres west of its junction with Mount Pleasant Road and 72 metres west of that junction