

ROAD TRAFFIC REGULATION ACT 1984
THE KENT COUNTY COUNCIL
ZONE G (RESIDENTS PARKING) (TUNBRIDGE WELLS) ORDER 2017

THE KENT COUNTY COUNCIL (hereinafter referred to as 'the Council') acting as the local traffic authority and in exercise of the powers given to them under sections 1,2,3,4,32,35,45,46,47,49,53 and 124 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:-

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PART I

GENERAL

Commencement and Citation

1. This Order shall come into operation on the 20 November 2017 and may be cited as ~~The~~ Kent County Council Zone G (Residents Parking) (Tunbridge Wells) Order 2017 ("this Order")

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Interpretation

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

Term	Meaning
"civil enforcement area"	means an area where civil enforcement of parking restrictions can be undertaken as defined by 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)
"contravention"	means a failure to comply with restrictions set out in this Order that may result in the issue of a Penalty Charge Notice
"delivering" and "collecting"	in relation to any goods, includes checking the goods for the purpose of their delivery or collection
"disabled persons badge"	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000
"disabled persons vehicle"	means a vehicle lawfully displaying a disabled persons badge
"driver"	where this relates to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place

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Term	Meaning
"emergency services vehicle"	means a vehicle operated by the police, fire & rescue service or ambulance service
"goods"	includes postal packets of any description
"goods vehicle"	means a vehicle constructed or adapted for use for the carriage of goods or burden
"junction"	means the intersection point of the centrelines, or projected centrelines, of the roads specified
"motor cycle"	has the same meaning as in the Road Traffic Regulation Act 1984
"owner"	in relation to a vehicle, means the person by whom such vehicle is kept and used
"parking disc"	means a disc, issued by a Local Authority, 125mm in diameter, coloured blue and capable of showing the quarter hour period during which a period of waiting begins
"parking exemption certificate"	means a certificate or other means of identification which has been issued by the local traffic authority or its appointed agents permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.
"parking permit" and "residents permit"	means a permit, either actual or virtual, issued under the provisions of Article 5 of this Order
"permit holder" and "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 spaces as specified in the Schedules to this Order
"relevant position"	<p>means:-</p> <ol style="list-style-type: none"> 1) in respect of a disabled persons badge and where the vehicle is fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside of the vehicle 2) in the case of a vehicle not fitted with a dashboard or fascia panel, the disabled persons badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from the outside of the vehicle. 3) in the case of a parking exemption certificate, in a conspicuous position inside the vehicle so that the certificate is visible in full and legible from outside the vehicle.

Term	Meaning
"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.
"road"	means the full width, including any footway or verge, of any length of highway or of any other road to which the public have access, and includes bridges over which a road passes
"Universal Service Provider"	has the same meaning as in the Postal Services Act 2011
"vehicle"	has the same meaning as that assigned to "motor vehicle" in s.136(1) of the 1984 Act ^{of 1984}

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- (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 and motorcycles 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 officer in uniform or of a civil enforcement officer cause or permit any vehicle to wait in any parking place specified in PART ONE of the Schedule to this Order at any time on any day.
- (2) Save as provided in this Article the driver of a vehicle shall not except upon the direction or with the permission of a police officer in uniform or of a civil enforcement officer cause or permit any vehicle to wait in any parking place specified in PART TWO of the Schedule to this Order between the hours of 8am and 6pm on any day for longer than one hour.
- (3) When a vehicle has left a parking place specified in PART TWO of 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.
- (4) Nothing in this Article shall apply to such vehicles as display, in the manner specified in either Article 9 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.
- (5) 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.
- (6) Nothing in Article 4 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 person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in the Schedule to this Order or for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road) provided always that where the period of the prohibition of waiting does not exceed 3 hours the parking disc need not be displayed.

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 goods vehicle (having a gross weight not exceeding 3500 kilograms) 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 one resident permit per household unit for those postal addresses listed in the APPENDIX to this Order;
 - (b) the total number of permits issued shall be no greater than 35, unless otherwise agreed by the Borough Council's Parking Manager
- (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 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) 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.
- (6) 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) an indication of the parking area for which the resident's permit applies;
 - (2) an indication that the resident's permit has been issued by the Council;
 - (3) a serial number assigned by the Council for which the residents' permit applies;
 - (4) a barcode assigned by the Council for which the residents' permit applies

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.

Placing of Traffic Signs

14. 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

15. 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 an On-Street Parking Place

16. Where any vehicle is standing in the on-street parking place in contravention of the provision of Article 15 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

17. Where 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

18. A police officer in uniform 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.

Suspensions relating to Parking Places

19. (1) Any person authorised by the Council may temporarily suspend for as long as may be necessary the use of any parking place referred to in this Order or any part thereof for the following reasons:
- (a) On any occasion when it is considered necessary or desirable for traffic management reasons or in the interests of public safety to enable goods to be loaded onto or unloaded from the vehicle;

- (b) For any event where the street will be thronged or obstructed in any way
 - (c) For the purposes of enabling a Public Service Vehicle to wait there
 - (d) For the purposes of any works by a Statutory Undertaker required in connection with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunication apparatus as defined in the Telecommunications Act 1984 in or adjacent to the parking place
 - (e) For the purposes of any emergency building operation, demolition or excavation work in or adjacent to the parking place.
 - (f) For any vehicle in the service of the Council being used in pursuance of its statutory powers or duties and that vehicle cannot reasonable be used for the same purpose in any other road.
 - (g) For the removal or delivery of furniture, plant, machinery etc from or to premises adjacent to the parking place or for any general building operation, wedding, funeral or other activity connected with premises adjacent to the parking place upon application and at the discretion of the Council
- (2) Upon receipt of any request to suspend the use of any parking place or any part thereof, the Council may charge such amount in respect of the implementation of that suspension as is set out in the current "On Street Parking Charges" Order, where applicable.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with Article 19 (1) shall where appropriate:
- (a) Place or cause to be placed in or as close as possible to that parking place or part thereof the use of which is to be suspended, a Traffic Sign and road markings indicating the period during which waiting by vehicles is prohibited.
- (4) No person shall at any time, whether or not within the prescribed hours, cause or permit a vehicle to be left in any parking place or part thereof during any period when the use of that place has been suspended as indicated under the provisions of Article 19 (1).

PROVIDED that nothing in this Article shall prevent a vehicle from waiting in a parking place or part thereof, the use of which has been suspended if it is being used for the purpose for which the suspension has been arranged or with the consent of a Civil Enforcement Officer or person authorised by the Council or with the consent of a Police officer in uniform in the case of Article 19 (1) of this Part.

- (5) A Police officer in uniform may suspend a parking place or any part thereof for a period no longer than 7 days for the purpose of promoting traffic movement or in the interests of public safety.
- (6) Nothing in this Part shall prevent any Ambulance, Police or Fire Service vehicle from waiting in any suspended parking place or part thereof if the vehicle is being used for emergency purposes.

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Restriction of Use of Vehicle at Parking Place

20. 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.

Contraventions

21. Where a person contravenes any of the provisions of the Order, and the vehicle does not fall into one of the exemptions contained within Article 4 of the Order, a ~~Penalty Charge Notice~~ may be issued by a ~~Civil Enforcement Officer~~ and a ~~Penalty Charge Notice~~ may be payable.

Revocations

22. The Parts of Orders specified in PART THREE of the Schedule to this Order are hereby revoked and shall cease to have any effect from the date of this Order

General

23. 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 6th day of November 2017.

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

DJ Buring

Denise J Buring



AUTHORISED SIGNATORY

THE SCHEDULE

PART ONE

Permit holders only

Road	Side	Definition
Calverley Street	North-west side	From a point 10 metres north-east of its junction with Garden Street to a point 5m south-west of its junction with Grover Street
	South-east side	From a point 9 metres north-east of its junction with Grover Street to a point 10 metres south west of its junction with Garden Road
Garden Street	South-west side	From a point 12 metres south-east of its junction with Calverley Street to an point 28 metres south-east of that junction

PART TWO

Permit holders only 8am-6pm or 1 hour limited waiting, No return within 4 hours

Road	Side	Definition
Calverley Street	North-west side	From a point 15 metres north-east of its junction with Calverley Road to a point 15 metres south-west of its junction with Garden Street

PART THREE

Parts of Orders Revoked

Order Title	Part Revoked
The 'Kent County Council Calverley Street and Garden Street (Residents Only Parking) Order 1994'	The whole Order is revoked
The Kent County Council (Various Roads, Tunbridge Wells)(Provision of Parking Places) No.1 Order 2003	<p><i>From: PART TWO</i></p> <p><i>One hour limited waiting Monday to Saturday 8am - 6pm, no return within two hours</i></p> <p>Calverley Street, Tunbridge Wells - North west side from a point 22 metres north east of its junction with Calverley Road to a point 50 metres north east of that junction.</p>

The Kent County Council (Various Roads, Borough of Tunbridge Wells)(Prohibition of Waiting) Consolidation Order 2004	<p><i>From: PART ONE</i></p> <p><i>No waiting at any time</i></p> <p>Calverley Street, Tunbridge Wells - North-east side between points 15 metres and 22 metres north-east of its junction with Calverley Road</p> <p>Calverley Street, Tunbridge Wells - North-west side between 5 metres and 18 metres south-west of its junction with Grover Street</p>
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APPENDIX

Postal addresses comprising 'Zone G' whose residents are eligible to purchase a maximum of one resident permit per household unit.

Calverley Street	Nos.10,11,12,13,14,15,16,17,18,19,19a,20, 21,22,23,24,25,26,27,28,29,30,31, 32,33,34,35,36,37,38,39,40 1,2,3 Victoria Villas, School House and Garden House
Garden Street	5,7,9, 10A, 11,13,14,15,16,17,18,19,20