

TW 2017 G- RPT 21

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL

ZONE HA (PERMIT 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 its 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:-

PART I

GENERAL

Commencement and Citation

1. This Order shall come into operation on the 5th day of February 2018 and may be cited as 'The Kent County Council Zone HA (Permit Parking) (Tunbridge Wells) Order 2017' ("this Order")

Interpretation and Definitions

2. (1) In this Order:-

Term	Meaning
"the Borough Council"	means Tunbridge Wells Borough Council
"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

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 "permit"	means a permit, either actual or virtual, issued under the provisions of Article 5 of this Order
"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 Schedule 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 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 outside of the vehicle. 3) in respect of a parking permit or parking exemption certificate and where the vehicle is fitted with a dashboard or fascia panel, the permit or certificate is exhibited thereon so that all the particulars of the permit or certificate are visible in full and legible from outside of the vehicle. 4) in respect of a parking permit or parking exemption certificate and where the vehicle is not fitted with a dashboard or fascia panel, the permit or certificate is exhibited in a conspicuous position on the vehicle so that all the particulars of the permit or certificate are visible in full and legible from outside of 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 APPENDIX to 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 Act of 1984
"visitor"	means a person who is visiting a resident.
"visitors permit"	means a permit, either actual or virtual, issued under the provisions of Article 14 of this Order.

- (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 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 the Schedule to this Order from Monday to Friday between 10am and 12 noon or between the hours of 2pm and 4pm.
- (2) 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.
- (3) 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, or
 - (f) 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 Borough Council for the issue of a parking permit for the leaving of that vehicle. Any such application shall be made on a form issued by and obtainable from the Borough 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 the Schedule to this Order
- (3) The Borough Council's Parking Manager may, at their discretion, accept applications for permits from business premises within the Zone HA boundary. This concession shall not apply to International House, Forest Road
- (4) The Borough Council may at any time require an applicant for a parking permit or a parking permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a parking permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.
- (5) 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 Borough Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of a class specified in paragraph (1) of this Article, may issue to the applicant a parking permit, subject to the limits specified in sub-paragraph (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 Borough 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 parking permit holder may surrender a permit to the Borough Council at any time and shall surrender a permit to the Borough Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Borough Council may, by notice in writing served on the parking permit holder by sending the same by the recorded delivery service to the parking 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 Borough 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 parking permit holder shall surrender the permit to the Borough 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 permit holder ceasing to be a resident;
 - (b) the 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 Borough 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 permit by the Borough Council under the provisions of Article 7 of this Order;
 - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) A 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 Borough Council may at any time require a permit holder to produce to an officer of the Borough Council such evidence in respect of any permit issued by them as they may reasonably require.
- (6) 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 Borough 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 parking permit to the Borough Council within 48 hours of the receipt of the aforementioned notice.

Application for and Issue of Duplicate Permits

7. (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 Borough Council or apply to the Borough Council for the issue to him of a duplicate permit and the Borough 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 Borough Council for the issue to him of a duplicate permit and the Borough Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid.
- (3) A permit holder may apply to the Borough Council for the issue of a duplicate 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 Borough 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 permit and an application therefore as if it were a permit or as the case may be an application therefore.
- (5) The fee for the issue of a duplicate permit shall be set, and may be varied, by the Borough Council such as to cover all the Borough Council's reasonable costs associated with the issue of said duplicate permit. Where a duplicate 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 Parking Permits

8. A permit shall be either virtual or in writing. The latter shall include the following particulars:-
 - (1) an indication of the parking area for which the permit applies;
 - (2) an indication that the permit has been issued by the Council;
 - (3) a serial number assigned by the Council for which the permit applies;
 - (4) a barcode assigned by the Council for which the permit applies

Display of Parking Permits

9. At all times during which a vehicle is left in a parking place during the permitted hours and where written permits are in use there shall be displayed a valid 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 connection with the issue of a permit for the leaving of a vehicle in the parking place shall be set at the lower rate specified in the current "(Residents Parking Zone Charges)(Tunbridge Wells) Order" as amended for a period of 12 months from the date of issue.

Payment of the Charge in Connection with the Issue of Permits

11. The charge in respect of the issue of a 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 Permit

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

Restriction on the Removal of Permits and Notices

13. Where a 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 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 the APPENDIX to the Schedule to this Order may apply to the Borough Council for the issue of a block 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 Borough Council and shall include the particulars and information required by such form to be supplied.
- (2) The Borough 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 Borough 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 Borough Council upon being satisfied that the applicant is a resident of a postal address listed in the APPENDIX to the Schedule to this Order, shall issue to the applicant a block 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 Borough Council at any time and shall surrender a visitor's permit to the Borough Council on the occurrence of the applicant ceasing to be a resident in the parking zone in respect of which the visitor's permit was issued.
- (2) The Borough 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 Borough 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 Borough 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 Borough Council for whatever reason shall not be 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 a block of ten visitors' permits, subject to a maximum of five blocks being issued per year per household unit with further blocks of visitor's permits being issued at the discretion of officers of the Borough Council.

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 day, the month and the date within the month 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, or police officer 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.

Manner of Standing in Parking Place

19. Every vehicle left in the parking place in accordance with the foregoing provisions of this Order shall stand so that the whole vehicle is within the marked bounds of the parking place.

Alteration of Position of Vehicle in an On-Street Parking Place

20. Where any vehicle is standing in the on-street parking place in contravention of the provision of Article 19 of this Order, 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

21. 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

22. 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

23. (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 or their agent being used in pursuance of its statutory powers or duties and that vehicle cannot reasonably 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 23 (1) and (2) 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 23 (3).

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 their agent or with the consent of a police officer in uniform in the case of Article 23 (1) (a) and (b) 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.

Restriction of Use of Vehicle at Parking Place

24. 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 of this Order

25. Where a person contravenes any of the provisions of this Order, and the vehicle does not fall into any one of the exemptions contained within Article 4 of this Order, a penalty charge notice may be issued by a civil enforcement officer and a penalty charge may be payable

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 5th day of *January* 2018.

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

DJ Burring

DENISE J BURRING

AUTHORISED SIGNATORY



THE SCHEDULE

ZONE HA

Permit holders only Monday to Friday 10am to 12 noon and 2pm to 4pm

Road	Side	Definition
Camden Park	Both sides	From a point 35 metres north-west of its junction with Forest Road to a point 23 metres south-east of its junction with The Shaw
	Both sides	Between points 20 metres west and 65 metres west of its junction with The Meads
	Both sides	Between a point 105 metres west of its junction with The Meads and its western most extremity
Forest Road	East side	Between points 34 metres south-west and 100 metres south-west of its junction with Camden Park (northern most access to Forest Road)
	East side	Between points 106 metres south-west and 132 metres south-west of its junction with Camden Park (northern most access to Forest Road)
	East side	Between points 23 metres north and 78 metres north of its junction with Napier Road
Teise Close (east-west spur)	South side	From a point 28 metres west of its junction with Forest Road to its junction with Teise Close (north-south spur)
	North side	From a point 15 metres west of its junction with Forest Road to its junction with Teise Close (north-south spur)
Teise Close (north-south spur)	Both sides	For its entire length
The Meads	Both sides	From a point 15 metres north of its junction with Camden Park to its northern most extremity
The Shaw	Both sides	From a point 15 metres south-west of its junction with Camden Park to its south-western most extremity

APPENDIX

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

Road	Addresses eligible for Permits
Boundary Road	All
Camden Park	The southern spur with access to Forest Road
Dorset Road	All
Forest Road	Even numbers 72 to 110 inclusive Odd numbers 25 to 113 inclusive
Hawkenbury Close	All
Hawkenbury Mead	All
Hawkenbury Road	Even numbers 2 to 40, Odd numbers 1 to 15 inclusive
Napier Road	All
Nelson Road	All
The Meads and The Shaw	All
Westbrook Terrace	All