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11th March 2019**

**THE KENT COUNTY COUNCIL
(POTTER STREET, SANDWICH, DISTRICT OF DOVER)
(PROHIBITION OF MOTOR VEHICLES)
EXPERIMENTAL ORDER 2018**

Road Traffic Regulation Act 1984

Please return to:

Schemes Planning and Delivery Team
Kent County Council Highways, Transportation & Waste
Ashford Highway Depot
Javelin Way
Ashford
TN24 8AD

PUBLIC NOTICE



In the District of Dover

THE KENT COUNTY COUNCIL (POTTER STREET, SANDWICH, DISTRICT OF DOVER) (PROHIBITION OF MOTOR VEHICLES) EXPERIMENTAL ORDER 2018

Road Traffic Regulation Act 1984

The Kent County Council acting as the local Traffic Authority and in exercise of its powers under Sections 9 and 10 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 (the Act of 1984), as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order: -

Due to the concerns of possible damage to the road and to any building on or near the road, Kent County Council has made the decision to implement a 'Prohibition of Motor Vehicles' Experimental Order, thereby prohibiting motor vehicles to enter or proceed in Potter Street, Sandwich in the District of Dover

PROHIBITION OF MOTOR VEHICLES

POTTER STREET, SANDWICH; Between its junction with Strand Street and its junction with Market Street

The Experimental Order has been made to allow for an assessment of the changes before a decision is taken to make it permanent.

A full detailed statement of the Council's reasons for making the Experimental Order and a copy of any other Orders which will be amended by the Experimental Order may be examined on Mondays to Friday at The Kent County Council, Sessions House, Maidstone, ME14 1XQ, at The Kent County Council, Kent Highway & Transportation, Ashford Highway Depot, Henwood Industrial Estate, Unit 4 Javelin Way, Ashford, Kent TN24 8AD, Dover District Council, Head Office, White Cliffs Business Park, Dover CT16 3PJ and at Sandwich Town Council, The Guildhall, Cattle Market, Sandwich CT13 9AH during normal office hours or viewed online at www.kent.gov.uk/highwaysconsultations.

Any person wishing to make representations whether to object or support the Order before it is made permanent must do so in writing quoting the reference (TRO/Experimental/Potter Street) specifying the grounds on which they are made within 6 months (noon on Monday 11th March 2019) of the Experimental Order coming into force or if the Order is subsequently varied or modified within 6 months of the variation or modification coming into force to, The TRO Co-ordinator, Schemes Planning & Delivery Team, Highways, Transportation & Waste, Kent County Council, Ashford Highway Depot, Henwood Industrial Estate, Javelin Way, Ashford, TN24 8AD or by email to TRO@kent.gov.uk

Simon Jones

Director

Highways, Transportation & Waste

STATEMENT of REASON



In the District of Dover

**THE KENT COUNTY COUNCIL
(POTTER STREET, SANDWICH, DISTRICT OF DOVER)
(PROHIBITION OF MOTOR VEHICLES)
EXPERIMENTAL ORDER 2018**

Road Traffic Regulation Act 1984

The Kent County Council acting as the local Traffic Authority has made an Experimental Order for a period of no more than 18 months to prohibit motor vehicles in Potter Street, Sandwich as described in the Order.

After concerns were raised regarding the possible damage to buildings and road in Potter Street, Kent County Council are introducing the restrictions to prevent damage to the road or to any building on or near the road and for preserving or improving the amenities of the area through which the road runs after concerns were raised

The Experimental Order has been made to allow for an assessment of the changes before a decision is taken to make it permanent.

Dated: 6th August 2018

Nikola Floodgate
Schemes Planning and Delivery Manager

THE KENT COUNTY COUNCIL
(POTTER STREET, SANDWICH, DISTRICT OF DOVER)
(PROHIBITION OF MOTOR VEHICLES)
EXPERIMENTAL ORDER 2018

ROAD TRAFFIC REGULATION ACT 1984

The Kent County Council acting as the local Traffic Authority and in exercise of its powers under Sections 9 and 10 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 (the Act of 1984), as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order: -

1. INTERPRETATION and DEFINITIONS

- (1) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament
- (2) A reference to an article or schedule followed by a number is a reference to the article of, or schedule to, this Order so numbered
- (3) In this Order, except where the context requires otherwise, the following expressions shall have the meaning hereby assigned to them: -
 - (i) "approved device" means a device of a description specified in an Order made by the Relevant National Authority pursuant to Section 144 (14) of the 2000 Act and complying with the Bus Lane (Approved Devices) (England) Order 2005;
 - (ii) "Authorised Officer" means a person employed by the Council, or its delegated representative, to record, detect and act on contraventions to this Order by means of an approved device;
 - (iii) "bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of driver) and local buses not so constructed or adapted to carry more than 8 passengers (exclusive of driver);
 - (iv) "carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;
 - (v) "Civil Enforcement Officer" means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the Section 76 2004 Act
 - (vi) "contravention" means a failure to comply with restrictions set out in this Order that may result in the issue of a penalty charge notice;
 - (vii) "cycle" means a pedal cycle not being propelled by mechanical power;
 - (viii) "Date of Service" means the last day of the period of 3 consecutive working days beginning with the first day of posting. If the notice is not posted on a working day, the first working day after the date of posting will be the first day of posting;
 - (ix) "detection date" means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device;
 - (x) "driver" means the person driving the vehicle at the time of the alleged contravention of this Order;
 - (xi) "electrically assisted pedal cycle" has the same meaning as in The Electrically Assisted Pedal Cycle Regulations 1983;
 - (xii) "emergency services vehicle" means a vehicle operated by the police, fire & rescue service or ambulance service;
 - (xiii) "enactment" includes any Act, Order or regulation made under any Act;
 - (xiv) "equestrian" means a horse rider or a horse been led, or horse drawn vehicle.
 - (xv) "Fixed Penalty Notice" means a notice issued by a person authorised to do so pursuant to the provisions of Part III of the Road Traffic Offenders Act 1988
 - (xvii) "footway" means a way constituting or comprised in a highway (other than a cycle track) over which the public have a right of way for the passage of pedestrians;
 - (xviii) "hours of operation" means the period specified in column 3 of Schedule of this Order being the period during which the restriction applies;

- (xix) “junction” means (in the Schedule to this Order) for measurement purposes only, the point where the projected centrelines of two specified roads intersect;
- (xx) “licensed taxi” has the same meaning as in Section 13(3) (a) of the Transport Act 1985;
- (xxi) “local bus” means a public service vehicle used in provision of a local service not being an excursion or tour;
- (xxiii) “local service” has the meaning given in Section 2 of the Transport Act 1985;
- (xxiv) “mobility scooter” means ‘class 3 invalid carriages’
- (xxv) “motor cycle” and “motor vehicle” have the meanings ascribed in Section 136 of the Act;
- (xxvi) “offence” means a failure to comply with restrictions set out in this Order that may result in the issue of a fixed penalty notice;
- (xxvii) “owner” in relation to a vehicle, means the registered keeper of that vehicle, namely the person for the time being shown in the register kept in accordance with Section 21 of the Vehicle Excise and Registration Act 1994;
- (xxviii) “PCN” means a penalty charge notice;
- (xxix) “pedal cycle” means a unicycle, bicycle, tricycle or cycle having 4 or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle;
- (xxx) “Penalty Charge” and “Reduced Penalty Charge” means a charge set by the Council under regulation 4 of the 2005 Regulations and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.
- (xxxi) “penalty charge notice” means a notice issued by a person authorised to do so by the Council pursuant to the provisions of regulation 8 of the 2005 regulations;
- (xxxii) “postal packets” has the meaning as defined in section 125(1) of the Postal Services Act 2000
- (xxxiii) “private driveway” means the vehicular access/egress to a private property;
- (xxxiv) “public highway” means a highway to which the public have unrestricted access;
- (xxxv) “Relevant National Authority” means the Secretary of State in respect to England;
- (xxxvi) “relevant particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994;
- (xxxvii) “road marking” means a traffic sign consisting of a line or mark or legend on the surface of the road of a size, colour and type prescribed or authorised under Section 64 of the Act;
- (xxxviii) “security vehicle” means a vehicle specially adapted to securely convey cash, bullion or valuables and marked with the name of the security company;
- (xl) “Statutory Grounds” means grounds for appeal as defined in regulation 9(2) of the 2005 Regulations
- (xli) “Traffic Signs Regulations and General Directions” means the Traffic Signs Regulations and General Directions 2002 as amended from time to time;
- (xlii) “traffic sign” means a sign of a size, colour and type prescribed or authorised under, or having an effect as though prescribed or authorised under, Section 64 of the Act;
- (xliii) “undertaker” has the meaning as in section 48 (4) of The New Roads and Street Works Act 1991;
- (xliv) “universal postal service provider” shall have the meaning ascribed to it in section 4(1) of the Postal Services Act 2000;
- (xlv) “vehicle” means a mechanically propelled or pedal powered form of transportation intended or adapted for use on the road;

2. RESTRICTIONS IMPOSED

(1) In accordance with the Act the Council in making the restrictions in this Order for a period in excess of 8 hours in any period of 24 hours are satisfied that for avoiding danger to persons or other traffic using the road to which the order relates it is requisite that Section 3(1) of the Act should not apply to this Order.

(2) The restrictions and prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or

exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

(3) Unless otherwise stated all restrictions specified in this Order shall be deemed to apply to the whole of the carriageway as defined by and at the locations specified in the Schedule of this Order

(4) No person shall cause or permit a motor vehicle to enter, be in or proceed on any length of road specified in column 1 of the Schedule to this Order unless that motor vehicle is of a type specified in Article 4 of this Order.

(5) In Schedule 2 to this Order, the roads and length specified in column 2 and in the direction specified in column 3 to this Order and as specified in Schedule 1 Item 12 in the Traffic Regulation Order 'The Kent County Council (Various Roads, Sandwich) Tourist Coaches Parking Places (One Way and Waiting Restrictions) (No 1) Order 1996' is hereby suspended for the duration of the Experimental Order.

3. EXEMPTIONS

(1) It shall not be a contravention to cause or permit any vehicle to enter, be in or proceed on any length of road specified in the Schedule to this Order provided that: -

(i) the vehicle is a 'class 3 invalid carriage';

(ii) the vehicle is "electrically assisted pedal cycle"

(iii) the vehicle is being used for enforcement purposes by, or on behalf of the Council;

(iv) it is under the direction or with the permission of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable of Kent;

(v) the vehicle is an emergency service vehicle and responding to an emergency incident where it is reasonably necessary for that vehicle to enter or proceed in the road;

(vi) the vehicle is being used in connection with the removal of an obstruction in the road;

(vii) the vehicle is being used for public cleansing for or on behalf of the Council if it is reasonably necessary for that vehicle to enter or proceed in that road,

(viii) the vehicle is being used to remove refuse or waste if it is reasonably necessary for that vehicle to enter or proceed in the road;

(ix) the vehicle is being used in connection with any building operation, demolition or excavation in or adjacent to road if it is reasonably necessary for that vehicle to enter or proceed in the road;

(x) the vehicle is being used in connection with the maintenance, improvement or reconstruction of any part of the carriageway over which the road passes or adjoins provided it is reasonably necessary for that vehicle to enter or proceed in the road;

(xi) the vehicle is being used by any undertaker to carry out work relating to any pipe, cable, sewer or apparatus in, on or over that road provided it is reasonably necessary for that vehicle to enter or proceed in the road;

(xii) the vehicle is being used in connection with the placing, maintenance or removal of any traffic sign, 'bus stop', bus shelter and notices or other things attached thereto provided that it is reasonably necessary for the vehicle to enter or proceed in the road;

(xiii) the vehicle is in the service of a universal postal service provider, is marked as such and being used to deliver or collect postal packets as defined in section 125(1) of the Postal Services Act 2000 to premises adjacent to the road.

4. Nothing in Article 1 of this order shall apply to any vehicle being used for fire brigade, Ambulance or police purposes.

5. Pursuant to Section 10(2) of the Act of 1984, the Head of Highways and Transport or any other person authorised by him may modify or suspend the operation of this Order or any provision of it if it appears to him essential: -

(a) in the interest of the expeditious, convenient and safe movement of traffic

(c) for preserving or improving the amenities of the area through which any road affected by this Order runs.

7. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

4. CONTRAVENTIONS AND ENFORCEMENT OF RESTRICTIONS IMPOSED BY THIS ORDER

- (1) The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of the Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by means of an approved device
- (2) Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order, the Council will serve a PCN in accordance with the 2005 Regulations on the person appearing to be the owner or keeper of the vehicle or, the person appearing to be the person liable to pay the charge.
- (3) A PCN shall be served before the end of the period of 28 days beginning with the detection date. The Council shall continue to be entitled to serve a PCN during a further period of six months, beginning with the detection date, provided that: -
 - (a) the Council has made a request within 14 days of the Detection Date to the Relevant National Authority for the supply of relevant particulars, and
 - (b) those particulars have not been supplied before the date after which the Council would not be entitled to serve a PCN by virtue of this Order.
- (4) If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Regulations under Section 144 of the 2000 Act (the Penalty Charge) is to be paid in the manner described in the notice within 28 days of the Date of Service of the PCN or within 14 days of the Date of Service of the PCN in the case of a Reduced Penalty Charge.
- (5) When the owner, keeper or driver has been identified, the Council will issue a PCN in accordance with this Order and send the PCN by first class post.
- (6) A PCN must state: -
 - (a) The registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle involved in the alleged contravention;
 - (b) The date and time at which the Authorised Officer first noticed that a contravention of this Order had occurred in respect of the date known as the Contravention Date;
 - (c) The grounds on which the Authorised Officer believes that a Penalty Charge is payable with respect to that vehicle;
 - (d) That the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of service of the PCN;
 - (e) That if the Penalty Charge is paid before the end of the period of 14 days beginning with the Date of Service of the PCN, a Reduced Penalty Charge shall apply;
 - (f) That representations may be made on any of the Statutory Grounds of appeal to the Council against the imposition of the Penalty Charge but that representations made outside the 28-day period may be disregarded;
 - (g) What the Statutory Grounds of appeal are;
 - (h) The postal address to which representations are to be sent;
 - (i) Any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;
 - (j) That, if the Penalty Charge is not paid and no representations have been made before the end of the 28 days period from the Date of Service, the Council may increase the Penalty Charge by half and take steps to enforce payment of the charge as so increased;
 - (k) The manner in which the Penalty Charge may be paid;
 - (l) That if representations are rejected by the Council, an appeal may be made on any of the Statutory Grounds to an adjudicator in respect of a Penalty Charge;
 - (m) The recipient of the PCN may, by notice in writing to the Council, request that an office be made available during the normal office hours as specified on the PCN, for the purpose of viewing by him free of charge and by his representative (if any), the recording of the alleged contravention produced by the approved device pursuant to which the PCN was imposed and/or to provide him with still images from that recording which, in the Council's opinion, establish the contravention;
 - (n) The date of issue, being the date on which the PCN was produced by the Council;
 - (o) The address to which payment of the Penalty Charge must be sent.

SCHEDULE 1

PROHIBITION OF MOTOR VEHICLES

Column 1	Column 2
Roads subject to 'Prohibition of Motor Vehicles'	Roads which prohibition applies
POTTER STREET	Between its junction with Strand Street and its junction with Market Street

SCHEDULE 2

SUSPENSION OF 'ONE WAY' ORDER

Item	Length of Road at Sandwich	Direction
(12)	Potter Street Between its junction with Strand Street and its junction with Market Street	South to north