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ROYAL BOROUGH OF KINGSTON UPON THAMES

**EXPERIMENTAL WAITING RESTRICTIONS – COOMBE ESTATE
(Proposal No. 138)**

**THE KINGSTON UPON THAMES (WAITING RESTRICTION)
(COOMBE ESTATE NO.1) EXPERIMENTAL TRAFFIC ORDER 2011**

DOCUMENTS FOR INSPECTION

1. The made Order
2. Plans to indicate the locations and effect of the Order
3. The Council's statement of reasons for proposing to make the Order
4. A copy of the notice to appear in the Surrey Comet and the London Gazette on 14th October 2011

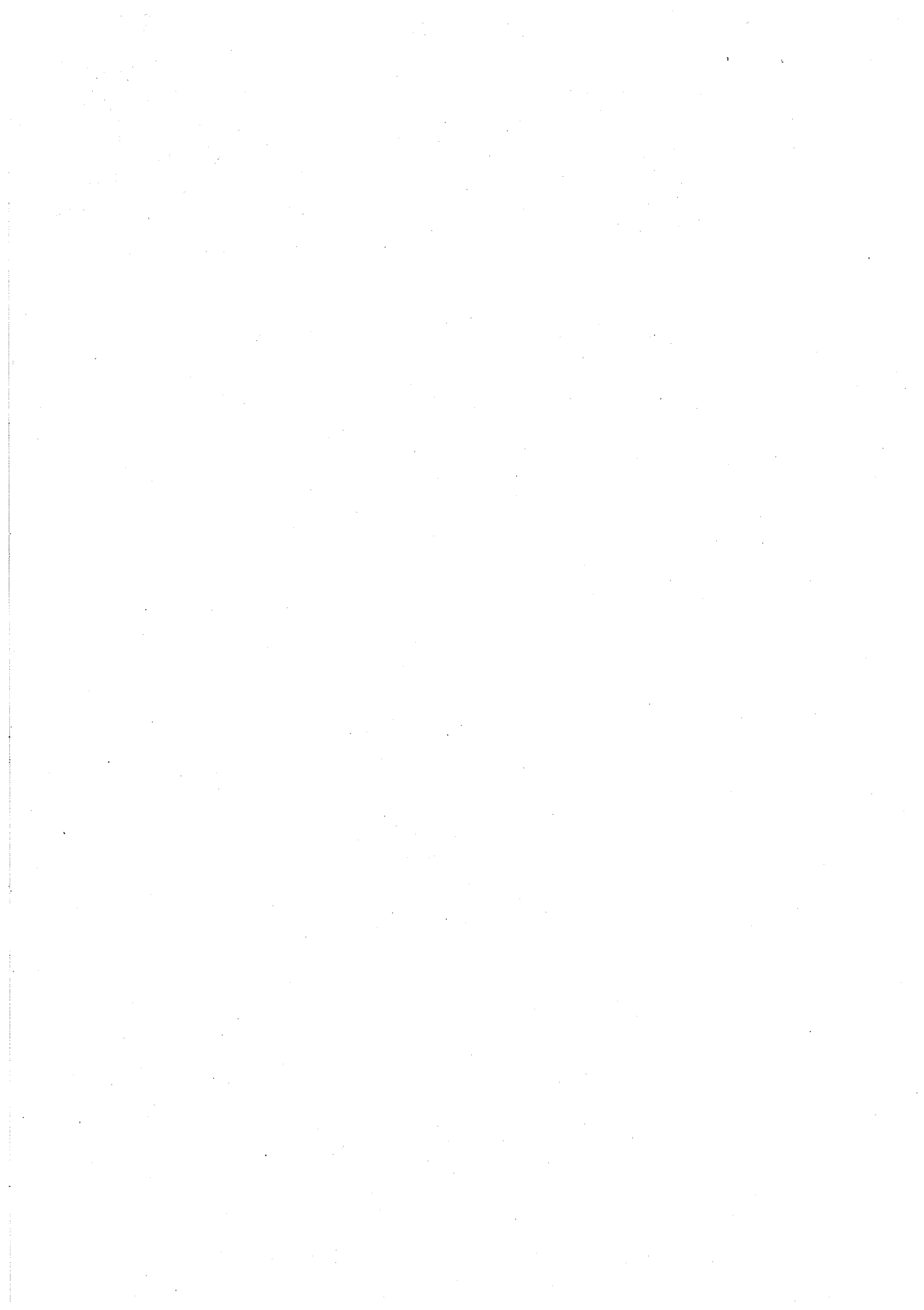
Available for inspection until further notice



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**EXPERIMENTAL WAITING RESTRICTIONS – COOMBE ESTATE
(Proposal No. 138)**

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(COOMBE ESTATE NO.1) EXPERIMENTAL TRAFFIC ORDER 2011

STATEMENT OF REASONS

To remove dangerous and obstructive parking from the corners of the junction between George Road and Warren Road, Kingston.

Double yellow line “at any time” waiting restrictions will be introduced initially on an experimental basis so that the effects can be fully assessed. The Council will decide in due course whether or not to retain the measures on a permanent basis.

Detailed particulars of this proposal are also available at www.kingston.gov.uk; search for ‘TMO’ (Traffic Management Orders).



2011 No. 43

**THE KINGSTON UPON THAMES (WAITING RESTRICTION)
(COOMBE ESTATE NO.1) EXPERIMENTAL TRAFFIC ORDER 2011**

Made:- 10th October 2011

Coming into force:- 24th October 2011

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Schedules

1. Restricted streets referred to in Article 4(1)
2. Streets referred to in Article 6 - Exemptions
3. Prescribed hours

The Council of the Royal Borough of Kingston upon Thames, after consulting the Commissioner of Police of the Metropolis, in exercise of the powers conferred by section 9 of the Road Traffic Regulation Act 1984 (a), as amended by section 8 of and Part I of Schedule 5 to the Local Government Act 1985(b), and of all other enabling powers hereby make the following Order: -

PART I

Commencement and citation

1. This Order shall come into force on 24th October 2011 and may be cited as the Kingston upon Thames (Waiting Restriction) (Coombe Estate No.1) Experimental Traffic Order 2011.

Interpretation

2. (1) In this Order, except where the context otherwise requires:

“Act of 1933” means The Maldens and Coombe Urban District Council Act 1933;

“civil enforcement officer” has the same meaning as in section 76 of the Traffic Management Act 2004(c), being a person authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order;

“Council” means the Council of the Royal Borough of Kingston upon Thames;

(a) 1984 c.12 (b) 1985 c.51 (c) 2004 c.18

“disabled person” and “disabled persons’ badge” have the same meanings as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(a);

“disabled persons’ vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(b);

“enactment” means any enactment, whether public general or local and includes an order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; and “delivering” and “collecting”, in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

“hackney carriage” means a hackney carriage in respect of which there is in force a licence granted under section 6 of the Metropolitan Public Carriage Act 1869(c);

“London local service” and “London service permit” have the same meanings as in the Greater London Authority Act 1999(d);

“penalty charge” and “penalty charge notice” have the same meanings as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(e).

“prescribed hours”, in relation to a restricted street, means the time specified in column 2 of Schedule 3 in relation to the letter set out in column 1 of that Schedule and which letter is the letter set out in column 3 of Schedule 1 in relation to that street;

“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981(f);

“restricted street” means any street within the Royal Borough of Kingston upon Thames specified in Schedule 1;

“Schedule” means a Schedule to this Order;

“scheduled road” or “unscheduled road” means a road referred to in Schedule 2 to this Order as defined within the Act of 1933;

**(a) SI 2000/682 (b) SI 2000/683 (c) 32 & 33 Vict. c.115 (d) 1999 c.29
(e) 2007/3482 (f) 1981 c.14**

“street” includes any part of a street;

“telecommunication system” has the same meaning as in the Telecommunications Act 1984(a);

- (2) For the purposes of this Order a vehicle shall be deemed to wait:
- (a) in a restricted street if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary; or
 - (b) for more than a specified period in the same place in a restricted street if any one point in that street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) Any reference in this Order to a length of street shall, unless otherwise specified, be construed as a reference to the whole width of that length of street.
- (5) The restrictions, prohibitions and requirements 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.
- (6) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person’s badge in the relevant position when it is so regarded for the purposes of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(b).

Application of Order

3. The restrictions imposed by Part II of this Order are subject to the exceptions and exemptions set out in Part III of this Order, and any such exceptions or exemptions are subject to the provisions of Part IV of this Order.

PART II

Restrictions

Restrictions applicable to streets specified in Schedule 1

4. (1) No person shall cause or permit any vehicle to wait during the prescribed hours in any restricted street except, subject to the provisions of the next paragraph, for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street.

(2) No person shall cause or permit any vehicle to wait for the purpose of delivering or collecting goods or loading or unloading a vehicle for a period of more than forty minutes in the same place during the prescribed hours.

Contravention of restrictions

5. Except as provided in Article 4, 6, 7, 8, 9 10 or 11 if a vehicle is left in any street specified in Schedule 1 during the prescribed hours a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be served by a civil enforcement officer or by the Council in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

PART III

Exemptions and exceptions from restrictions

Exemptions as prescribed by the Act of 1933

6. Nothing in Part II of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street provided that the driver of the vehicle is;
 - (a) an owner or occupier of a property in any scheduled or unscheduled road; or
 - (b) an invitee of an owner or occupier of a property in any scheduled or unscheduled road.

Persons boarding or alighting from vehicles

7. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage.

Excepted vehicles

8. The restrictions imposed by Part II of this Order shall not apply in relation to the following vehicles –
- (a) vehicles when used for fire brigade, ambulance or police purposes;
 - (b) vehicles when used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (c) vehicles whilst waiting in any restricted street for so long as may be necessary in connection with the taking in of petrol, oil, water or air, if such taking in cannot be effected unless the vehicle waits in the place where it is waiting.

Exemptions for vehicles displaying disabled persons' badges

9. Waiting restrictions applicable to streets specified in Schedule 1 shall not apply to disabled persons' vehicles:
- (a) in a case where the period of the waiting restriction is for three hours duration or less, for the whole of that period; and
 - (b) in a case where the period of the waiting restriction is of more than three hours duration, for a period of three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day), and provided that the following requirements are satisfied, namely:

in all cases a valid disabled persons' badge is displayed in the relevant position and in the case mentioned at (b) above, a parking disc issued by a Local Authority (coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date, and capable of showing the quarter hour period during which a period of waiting began) is displayed in a relevant position on the vehicle and the driver or other person in charge of the vehicle marks on the parking disc the time at which the period of waiting has begun.

Furniture removals and other exceptional exemptions

10. (1) Nothing in Article 4 of this Order shall apply: -

- (a) to any vehicle being used in any restricted street in connection with the removal of furniture to or from one office, dwelling house or depository adjacent to that restricted street from or to another office, dwelling house or depository;
- (b) to any vehicle being used in any restricted street in connection with the collection or delivery of goods from or to premises in or adjacent to that street if those goods cannot reasonably be loaded or unloaded outside the prescribed hours or within the time (if any) allowed in relation to that street, as the case may be.
- (c) to any vehicle being used in any restricted street in any other exceptional circumstances agreed at the Council's discretion.

Provided that this paragraph shall not apply to a vehicle waiting in any restricted street unless notice is given twenty four hours in advance to the Council, their consent is obtained, and such reasonable conditions as they may impose are complied with.

Miscellaneous exemptions

11. (1) Nothing in Part II of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street –
- (a) while postal packets addressed to premises adjacent to any such street in which the vehicle is waiting are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered;
 - (b) while postal packets are being collected for loading on the vehicle from premises or posting boxes in or adjacent to any such street in which the vehicle is waiting or, having been so collected, are being loaded thereon;
 - (c) while the vehicle is being used in connection with any building operation, demolition or excavation in or adjacent to any such street, the removal of any obstruction to traffic in any street, the maintenance, improvement, reconstruction, cleansing or lighting of any street, the laying, erection, alteration or repair in or adjacent to any street of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication system, or the placing or maintenance or removal of any traffic sign, if the vehicle cannot conveniently and lawfully be used for that purpose in any street not being a restricted street or outside the prescribed hours;
 - (d) while any gate or other barrier at the entrance to premises, to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonable practicable for the vehicle to wait in any other place while such gate or barrier is being opened or closed.

(2) Nothing in Part II of this Order shall apply to anything done with the permission or at the direction of a police constable in uniform, or where the person in control of the vehicle is required by law to stop or wait or remain at rest or is obliged to do so in order to avoid an accident.

PART IV

Additional provisions

Duty to move on

12. Notwithstanding any exception or exemption contained in this Order, the person in control of a vehicle waiting during the prescribed hours in any restricted street shall move the vehicle on the instruction of a police constable in uniform, whenever such moving may be reasonable necessary for the purpose of preventing or removing obstruction.

Restrictions on methods of loading or unloading vehicles

13. (1) No person shall cause any goods to be loaded on to or unloaded from any vehicle in any restricted street in the Royal Borough of Kingston upon Thames otherwise than in accordance with the following conditions, that is to say –
- (a) no such goods shall be deposited on any carriageway or footway immediately at the rear of the vehicle and no goods shall remain on any carriageway before the arrival of or after the departure of the vehicle;
 - (b) no part of any rope, chain, wire, apparatus or machinery used in connection with such loading or unloading, and no load suspended therefrom, shall be less than 4.88 metres above a carriageway, except when over any vehicle being loaded or unloaded, or less than 2.74 metres above the footway;
 - (c) no such goods shall be passed from hand to hand across any part of any carriageway or footway;

Provided that nothing in this Article shall apply in relation to –

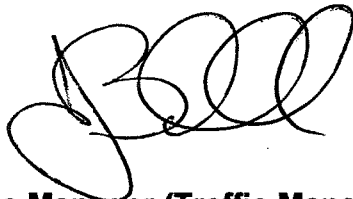
- (i) any vehicle specified in sub-paragraph (b) or sub-paragraph (c) of Article 8 of this Order or any vehicle while it is being used as mentioned in paragraph (1)(c) of Article 11 of this Order; or
- (ii) anything done with the permission or at the direction of civil enforcement officer or a police constable in uniform.

(2) Nothing in sub-paragraph (b) of paragraph (1) of this Article shall apply to any pipe, apparatus or machinery being used in connection with the loading or unloading of any petrol, water, oil, or liquid fuel on to or from any vehicle in any street or from any premises adjacent to any street, provided that all necessary means are taken to give adequate warning of any possible obstruction.

Restriction on advertising

14. No person shall in any restricted street either wholly or mainly for the purpose of advertisement, ride, drive, conduct, use or employ or cause to be ridden, driven, conducted, used or employed any animal or vehicle of any kind, or wear or cause to be worn any fancy dress or other costume.

Dated this tenth day of October 2011.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

**Service Manager (Traffic Management and Design)
Place and Regeneration
(The officer appointed for this purpose)**

SCHEDULE 1

1	2	3
*	GEORGE ROAD, KINGSTON between the south-western kerb-line of Warren Road and a point 10 metres south-west of that kerb-line.	A
*	WARREN ROAD, KINGSTON The south-west side between a point 10 metres north-west of the north-western kerb-line of George Road and a point 10 metres south-east of the south-eastern kerb-line of George Road.	A

SCHEDULE 2

COOMBE ESTATE SCHEDULED AND UNSCHEDULED ROADS

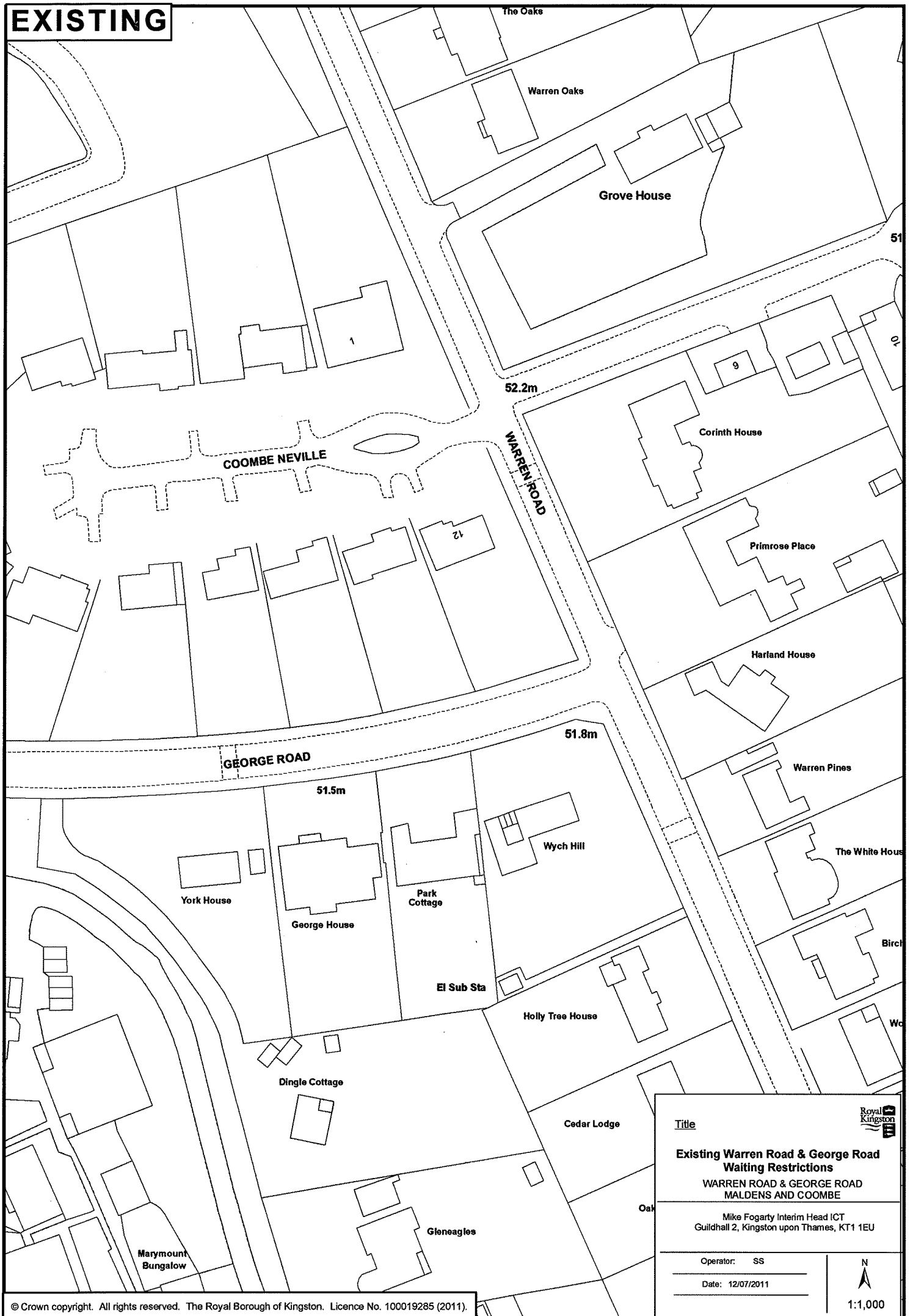
1. Ballard Close
2. Brook Gardens
3. Coombe End
4. Coombe Neville
5. Edgecoombe Close
6. Gatehouse Close
7. George Road
8. Golf Club Drive
9. High Coombe Place
10. Paget Place
11. Renfrew Road
12. Stoke Road
13. The Drive
14. Warren Cutting
15. Warren Park
16. Warren Road

SCHEDULE 3

Prescribed Hours

1	2
Prescribed Hours See Schedule 1 (WAITING)	Time
A	At any time.

EXISTING



Title
Existing Warren Road & George Road
Waiting Restrictions
WARREN ROAD & GEORGE ROAD
MALDEN AND COOMBE

Mike Fogarty Interim Head ICT
Guildhall 2, Kingston upon Thames, KT1 1EU

Operator: SS
Date: 12/07/2011

N
1:1,000

ROYAL BOROUGH OF KINGSTON UPON THAMES

EXPERIMENTAL WAITING RESTRICTIONS - COOMBE ESTATE

(Proposal No. 138)

1. NOTICE IS HEREBY GIVEN that the Council of the Royal Borough of Kingston upon Thames on 10th October 2011 made the following Order under section 9 of the Road Traffic Regulation Act 1984, as amended by the Local Government Act 1985:-

- The Kingston upon Thames (Waiting Restriction) (Coombe Estate No.1) Experimental Traffic Order 2011.

2. The general effect of the Order, which will come into force on 24th October 2011, will be, on an experimental basis, to introduce waiting restrictions operating at any time at the junction between George Road and Warren Road, Kingston.

As per The Maldens and Coombe Urban District Council Act 1933, residents & their guests/invitees are exempt from the provisions of the Order.

3. The Order provides that, subject to the provisions of section 10 of the Road Traffic Regulation Act 1984, the Director (Place and Regeneration) or some person authorised in that behalf by him may, if it appears to him or that person essential in the interest of the expeditious, convenient and safe movement of traffic or for providing suitable and adequate parking facilities on the highway or for preserving or improving the amenities of the area through which any road affected by the Order runs, modify or suspend the Order or any provision contained therein.

4. Copies of the Order and of documents giving more detailed particulars of the Order are available for inspection from 14th October 2011 until such time as the Order ceases to have effect at:

- The Information and Advice Centre, Guildhall 2, Kingston upon Thames, KT1 1EU between 8.30 a.m. and 5.00 p.m. on Mondays to Fridays inclusive;
- Kingston Library, Fairfield Road, Kingston, during normal opening hours; and
- New Malden Library, Sandal Road, New Malden, during normal opening hours.

Detailed particulars of this proposal are also available at www.kingston.gov.uk; search for 'TMO' (Traffic Management Orders).

5. Any person desiring to question the validity of the Order or of any provision contained therein on the grounds that it is not within the relevant powers of the Road Traffic Regulation Act 1984 or that any relevant requirements thereof or any relevant regulations made thereunder have not been complied with in relation to the Order may, within six weeks from the date on which the Order was made, make application for the purpose to the High Court.

6. The Council will be considering in due course whether the provisions of the experimental Order should be continued in force indefinitely by means of an Order made under section 6 of the Road Traffic Regulation Act 1984. Any person may object to the making of an Order for the purpose of such indefinite continuation within a period of six months beginning from the date on which the experimental Order came into force or, if the experimental Order is varied or modified, beginning with the date on which such variation or modification came into force. Any objection must be in writing stating the grounds on which it is made and sent to either; **The Director (Place and Regeneration), Traffic Order Section, Guildhall 2, Kingston upon Thames, Surrey KT1 1EU** or to TMO@rbk.kingston.gov.uk.

Dated 14th October 2011.

JOHN BOLLAND

Service Manager (Traffic Management & Design)
(Place and Regeneration)

