

ROYAL BOROUGH OF KINGSTON UPON THAMES
PROPOSED REMOVAL OF PAYMENT MACHINES AT
OFF-STREET PARKING PLACES

(REF. OF332)

THE KINGSTON UPON THAMES (OFF-STREET PARKING PLACES)
(AMENDMENT NO. 2) ORDER 2023

DOCUMENTS FOR INSPECTION

1. A copy of the notice to appear in the Surrey Comet and the London Gazette Thursday 28 September 2023
2. The Council's statement of reasons for to making the Order.
3. The Made Order

ROYAL BOROUGH OF KINGSTON UPON THAMES

REMOVAL OF PAYMENT MACHINES AT OFF-STREET PARKING PLACES (CAR PARKS)

THE KINGSTON UPON THAMES (OFF-STREET PARKING PLACES) (AMENDMENT NO. 2) ORDER 2023

1. NOTICE IS HEREBY GIVEN that the Council of the Royal Borough of Kingston upon Thames on 25th September 2023 made the above-mentioned Order under sections 32, 35 and 124 of and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended.
2. The effect of the Order, which will come into force from 9th October 2023, will be to remove the option for payment of the parking charge to be made using “pay & display” machines in the following Council-owned car parks. All existing payment machines will be withdrawn.
 - Ashdown Road Car Park, Kingston
 - Blagdon Road Car Park, New Malden
 - Canbury Place Car Park, Kingston
 - Guildhall Car Park, Kingston
 - Hook Community Centre Car Park, Chessington
 - Malden Centre Car Park, New Malden
 - Neville House Car Park, Kingston
 - St Phillips Road Car Park, Surbiton
 - Thameside Car Park, Kingston
3. Please note that:
 - (a) the removal of pay & Display machines will be phased, and as such the Pay & Display machines will remain available at each location until the new payment method is fully operational at that location;
 - (b) once phased in, payment of the parking charge in the above car parks will only be available:
 - By using the telephone payment parking system (“pay-by-phone”); and
 - At “PayPoints” using cash or debit / credit card). PayPoints are available at various retail premises throughout the borough;
 - (c) the method of payment of the parking charge at the following “pay on foot” car parks will remain unchanged:
 - Bittoms Car Park, Kingston
 - Cattle Market Car Park, Kingston
 - Rose Car Park, Kingston.
4. Copies of the Order which will come into force 9 October 2023, the Council’s Statement of Reasons for making the Order may be inspected as follows:-
 - (a) online at <https://www.kingston.gov.uk/unmade-traffic-management-orders> selecting reference **OF332** - Removal Of Payment Machines At Off-Street Parking Places (Car Parks)
 - (b) The Information and Advice Centre, Guildhall 2, Kingston upon Thames, KT1 1EU between 9am and 5pm Mondays to Fridays inclusive
 - (c) Council libraries; and
 - (d) copies of the made Order and plan can also be obtained by calling 020 8547 5000 (between 9am and 5pm Mondays to Fridays); or
 - (e) by emailing tmo@kingston.gov.uk please quote ref **OF332**.

5. If any person wishes to question the validity of the Order or of any of its provisions on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the said Act of 1984 or of any instrument made under the said Act of 1984 has not been complied with, that person may, within 6 weeks from the date on which the Order were made, apply for the purpose to the High Court.

Dated 28th September 2023.

JAYNE DANDO
Head of Corporate Service
Highways and Transport

STATEMENT OF REASONS

Saving is created by avoidance of monthly machine maintenance costs. Further costs will be avoided in future years as maintenance costs are expected to rise from 2024. Machines are reaching end of operational life - replacement of these assets is expected to cost £1.8m with potential costly upgrades.

2023 No. 16

**THE KINGSTON UPON THAMES (OFF STREET PARKING PLACES)
(AMENDMENT NO. 2) ORDER 2023**

Made:- 25th September 2023

Coming into force:- See Article 1(2)

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 sections 32, 35 and 124 of, and Parts III and IV of Schedule 9 to the Road Traffic Regulation Act 1984(a), as amended, and all other enabling powers, hereby makes the following Order:-

1. This Order:

- (1) may be cited as the Kingston upon Thames (Off-Street Parking Places) (Amendment No. 2) Order 2023; and
- (2) shall come into force:
 - (a) for the purposes of payment of the parking charge at Hook Community Centre Car Park, on 9th October 2023;
 - (b) for the purposes of payment of the payment charge at St. Phillips Road Car Park, on 11th October 2023;
 - (c) for the purposes of payment of the payment charge at Canbury Place Car Park, on 15th November 2023;
 - (d) for the purposes of payment of the payment charge at Ashdown Road Car Park, Neville House Car Park, Guildhall Car Park and Thameside Car Park, on 29th November 2023;
 - (e) for the purposes of payment of the payment charge at Malden Centre Car Park and Blagdon Road Car Park, on 8th December 2023; and
 - (f) for all other purposes on 9th October 2023

2. In this Order:-

- (1) "the Order of 2014" means the Kingston upon Thames (Off Street Parking Places) (No. 1) Order 2014**(b)**;
 - (2) the expression "enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment; and
 - (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.
3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Order of 2014 shall have effect as though:
- (a) in Article 3(1) the meanings of "parking ticket" and "*ticket machine*" were omitted;
 - (b) the following expressions were added to Article 3(1) to that Order:

"PayPoint" means a payment system available at the premises of participating retailers where payment of the parking charge to the service provider may be made using cash or by debit or credit card in accordance with instructions at the PayPoint;

"pay on foot " in relation to a parking place specified in Schedule 3 to the Order of 2014, means a parking system where:

 - (a) *a ticket is issued by a machine to the driver of a vehicle on arrival at the parking place;*
 - (b) *payment of the parking charge is paid at a payment machine once the driver has returned to their vehicle and before exiting the parking place in accordance with the instructions displayed on the payment machine;*

"payment machine" means an apparatus designed to accept payment of the parking charge at "pay on foot" parking places.
 - (c) Articles 17(2) to (7) were substituted by the following Articles:

"17 (2) The parking charge shall be payable:

 - (a) *in any parking place specified in column 1 of Schedule 2 by using the telephone payment parking system or PayPoint in accordance with the instructions indicated on signs placed in the parking place; or*
 - (b) *in any parking place specified in column 1 of Schedule 3 by using the "pay by foot" payment parking system in accordance with the instructions and payment methods indicated on signs placed in the parking place.*

(3) *Payment of the parking charge and the parking period for which payment has been made in any parking place specified in column 1 of Schedule 2 to this Order:*

(a) *shall be indicated on a hand-held device; or*

(b) *may be obtained by a civil enforcement officer in contact with the service provider.*

(4) *Articles 17(2) and (3) shall not apply in relation to a vehicle which displays a valid permit issued in respect of that vehicle, provided that the permit is so displayed so that the particulars are clearly visible from outside the vehicle at all times that the vehicle remains in the parking place.”*

(d) in Article 18(1)(c) the words “or parking ticket” were omitted;

(e) Article 19 were omitted;

(f) in Schedules 1 and 2 to the Order of 2014 any reference to “KINGSTON COLLEGE CAR PARK,” were omitted.

Dated this twenty-fifth day of September 2023.

**Head of Corporate Service
Highways and Transport**
(The officer appointed for this purpose)

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order further amends the Kingston upon Thames (Off Street Parking Places) (No. 1) Order 2014, to facilitate the removal of “pay and display” off-street parking places.

The Order provides that payment of the parking charge at off-street parking places (except at parking places where the “pay by foot” parking system is used) can only be made:

- By using the telephone payment parking system (“pay-by-phone”), except at “pay by foot; or
- By using the “PayPoint” system.