BIRMINGHAM CITY COUNCIL (HARRISONS ROAD, EDGBASTON) (TRAFFIC REGULATION) ORDER 2015

Birmingham City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2), 32, 35, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

1. Commencement and citation

- 1.1 This Order shall come into operation on the 15th day of May Two thousand and fifteen and may be cited as "Birmingham City Council (Harrisons Road, Edgbaston) (Traffic Regulation) Order 2015".
- 1.2 The On-Street Plan titled "Birmingham City Council (Harrisons Road, Edgbaston) (Traffic Regulation) Order 2015" (attached hereto) is incorporated into this Order.

2. Interpretation

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
 - "Authorised Person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;
 - "Bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 (as amended);
 - "Bus Stand" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 to The Traffic Signs Regulations and General Directions 2002 (as amended) and which includes the words "BUS STAND";
 - "Bus Stop" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 to The Traffic Signs Regulations and General Directions 2002 (as amended) and which includes the words "BUS STOP";
 - "Carriageway(s)" and "Footway(s)" have the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);
 - "Central Reservation(s)" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (as amended);
 - "Civil Enforcement Officer" has the same meaning as that provided in Section 76 of The Traffic Management Act 2004 (as amended);

"Disabled Person's Badge" and "Parking Disc" have the same meaning as in regulation 3 (1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (as amended);

"Disabled Person's Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle which displays in the Relevant Position a Disabled Person's Badge;

"Disabled Person's Vehicle" has the same meaning as in section 142 of the Act:

"Driver" means the person driving or having control or charge of the vehicle at any given time and in particular, in relation to a vehicle waiting in a Parking Place, the person driving at the time it was left in the Parking Place;

"Duplicate Permit" means a Permit issued under the provisions of this Order to replace a Permit that has been lost, destroyed, 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;

"Electronic Communications Apparatus" has the same meaning as in Schedule 2 to the Telecommunications Act 1984 (as amended);

"Goods" 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;

"Goods Vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of Goods or burden of any description or a Trailer so constructed or adapted;

"Highway" means all Carriageways, Footways, Central Reservations and verges;

"Licensed Taxi" has the same meaning as in Section 13(3) of the Transport Act 1985 (as amended);

"Loading" includes loading and unloading where appropriate;

"Motor Cycle" and "Invalid Carriage" have the same meaning respectively as in section 136 of the Act;

"On-Street Plan" mean the plan titled "Birmingham City Council (Harrisons Road, Edgbaston) (Traffic Regulation) Order 2015" incorporated into this Order:

"Parking Place" means where the context permits the various types of Parking Place identified in Article 2.2 and identified on the On-Street Plan;

"Passenger Vehicle" means a motor vehicle (other than a Motor Cycle or Invalid Carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a Trailer;

"Permit" means where the context permits the various types of Permit identified in Article 2.3:

"Permit Holder" means a person to whom a Permit has been issued under the provisions of this Order;

"Police Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for vehicles being used in pursuance of police duties;

"Registered Keeper" means the person or organisation recorded by the Driver and Vehicle Licensing Agency as being the legal keeper of a motor vehicle;

"Relevant Fee" means in relation to a Permit or a Duplicate Permit, the respective fee which shall be determined from time to time by the Council to be paid by an applicant;

"Relevant Position" means:

- (a) for the display of a Permit, that the Permit is displayed either inside the front windscreen of the vehicle, where the vehicle is fitted with a front windscreen, or in a conspicuous position on the vehicle so that all the information recorded on the front of the Permit is legible and clearly visible to a person standing at the front or nearside of the vehicle and the Permit shall be displayed for the whole time that the vehicle remains in the Parking Place;
- (b) for the display of a Disabled Person's Badge or Parking Disc, that the Disabled Person's Badge or Parking Disc is displayed as stated in regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (as amended);

"Resident Permit" means a Permit issued by the Council to a Resident under the provisions of this Order and used in accordance with the Council's terms and conditions;

"Resident Permit Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle which displays in the Relevant Position a Resident Permit;

"Resident Visitor Permit" means a Permit issued by the Council under the provisions of this Order to a Resident and which Permit is to be used by a visitor, who is recognised by that Resident, for the purposes of visiting that Resident and used in accordance with the Council's terms and conditions;

"Road" has the same meaning as in Section 142 (1) of the Act;

"Solo Motor Cycle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (as amended);

"Special Permit" means a Permit issued from time to time by the Council to specified vehicles;

"Special Permit Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle displaying a Special Permit in the Relevant Position;

"Taxi Rank" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (as amended);

"Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

"Traffic Warden" means a Traffic Warden employed by a police authority in pursuance of Section 95 of the Act;.

"Universal Service Provider" has the same meaning as in Section 4 (3) and (4) of the Postal Services Act 2000 (as amended);

- 2.2 Where the context so permits references in this Order to a "Parking Place" shall include reference to a Disabled Person's Parking Place, Resident Permit Parking Place and Special Permit Parking Place.
- 2.3 Where the context so permits references in this Order to "Permit" shall include reference to a Resident Permit, a Resident Visitor Permit, Special Permit or a Duplicate Permit.
- 2.4 Where a Permit has been displayed on a vehicle in the Relevant Position no person, not being the Permit Holder, shall remove the Permit from the vehicle unless authorised to do so by the Permit Holder.
- 2.5 The prohibitions and restrictions of waiting and stopping imposed by this Order shall also apply to the Footways and verges contiguous to the various parts of Road referred to in this Order.
- 2.6 Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order.
- 2.7 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 2.8 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.9 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.0 Prohibition and Restriction of Waiting

3.1 Where, in relation to any part of a Road shown on the On-Street Plan, a period of 'no waiting' is indicated, then, subject to the provisions of Articles

- 3.2, 3.3, 3.4, 5.4 and 5.5 no person shall except upon the direction of a police constable in uniform or a Traffic Warden or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road.
- Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000 (as amended);
 - (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
 - (d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker or a sewerage undertaker or The Environment Agency or their agents in pursuance of statutory powers or duties;
 - (e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
 - (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
 - (1) building, industrial or demolition operations;
 - (2) the removal of any obstruction to traffic;
 - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
 - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.
- 3.3 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary to enable Goods to be loaded on to or from the vehicle except for any period indicated on the On-Street Plan when Loading is not permitted in that part of the Road;
- 3.4 Exceptions for vehicles displaying a Disabled Person's Badge

- 3.4.1 Where a period of 'no waiting' indicated on the On-Street Plan exceeds three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person's Badge and a Parking Disc (on which the Driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the lengths of Road or on the sides of the Road referred to in that Article for a period not exceeding 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 lengths or on the same sides of Road on the same day.
- 3.4.2 Where a period of 'no waiting' indicated on the On-Street Plan does not exceed three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person's Badge to wait in the lengths of Road or on the sides of the Road referred to in that Article.

4.0 Limited Waiting

- Where, in relation to any part of a Road shown on the On-Street Plan, a period of 'limited waiting' is indicated, then, subject to the provisions of Articles 4.2, 4.3, 4.4 and 4.5 no person shall except upon the direction of a police constable in uniform or a Traffic Warden or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road:
 - (a) for longer than the maximum period of waiting specified for that part of the Road;
 - (b) if a period of less than the no return interval specified for that part of the Road has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of Road.
- 4.2 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000 (as amended);
 - (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
 - (d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage undertaker, The Environment Agency or their agents in pursuance of statutory powers or duties;

- (e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
- (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
 - (1) building, industrial or demolition operations;
 - (2) the removal of any obstruction to traffic;
 - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
 - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.
- 4.3 Exceptions for vehicles displaying a Disabled Person's Badge
- 4.3.1 Nothing in Article 4.1 shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Person's Badge, to wait in that length of Road.
- 4.3.2 The restrictions specified in Articles 3.1 and 4.1 shall not apply to a person causing or permitting a Bus to wait on a Bus Stop or Bus Stand.
- 4.3.3 The restrictions specified in Articles 3.1 and 4.1 shall not apply to a person causing or permitting a Licensed Taxi to wait on a Taxi Rank.

5.0 Parking Places for Specific classes of Vehicle

- Where a part of a Road shown on the On-Street Plan is identified as a Special Permit Parking Place, then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Traffic Warden or with the permission of an Authorised Person, cause or permit any vehicle to park in the Special Permit Parking Place unless it is a vehicle displaying a Special Permit in the Relevant Position.
- Where a part of a Road shown on the On-Street Plan is identified as a Disabled Person's Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Traffic Warden or with the permission of an Authorised Person, cause or permit any vehicle to park in the Disabled Person's Parking Place during its specified hours of operation unless it is a vehicle displaying a Disabled Person's Badge in the Relevant Position.
- Where a part of a Road shown on the On-Street Plan is identified as a Police Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Traffic Warden or with the permission of an Authorised Person, cause or permit any vehicle

to park in the Police Parking Place during its specified hours of operation unless it is a vehicle being used in pursuance of police duties.

- 5.4 Nothing in Articles 5.1, 5.2, shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000 (as amended);
 - (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
 - (d) to enable the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding, funeral or other religious observances;
 - (e) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage undertaker, The Environment Agency or their agents in pursuance of statutory powers or duties;
 - (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
 - (1) building, industrial or demolition operations;
 - (2) the removal of any obstruction to traffic;
 - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
 - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.
- 5.5 Power to suspend use of Parking Places
- 5.5.1 An Authorised Person may suspend the use of any Parking Place or any part thereof for up to seven days and for longer periods with the permission of the Council whenever he considers such suspension reasonably necessary:
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety:

- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any Electronic Communications Apparatus or Traffic Sign;
- (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions;
- 5.5.2 A police constable in uniform may suspend for not longer than twenty-four hours the use of any Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 5.5.3 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 5.5 or 5.6 shall thereupon place or cause to be placed in or adjacent to the Parking Place or part thereof the use of which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.
- 5.5.4 No person shall cause or permit a vehicle to be left in any part of any Parking Place during such period as there is in or adjacent to that part of the Parking Place a Traffic Sign placed in pursuance of Article 5.7

Provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in any part of the Parking Place during such period as is referred to therein, or to any other vehicle so left if that vehicle is left with the permission:

- (a) of an Authorised Person;
- (b) of a police constable in uniform; or
- (c) of a Traffic Warden.
- 5.5.5 The driver of a vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair except such as may be necessary to enable the vehicle to be removed from the Parking Place.
- 5.5.6 No person shall use any vehicle, while it is in any Parking Place 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 skill or handicraft or his services in any other capacity.

Provided that nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is a Passenger Vehicle or a Goods Vehicle not

- exceeding 5 tonnes maximum gross weight left in any Parking Place and the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.
- 5.5.7 When a vehicle is left in a Parking Place in contravention of any of the provisions of this Order, the Registered Keeper will become liable for a penalty charge and an Authorised Person may affix a penalty charge notice to the vehicle and, subsequently, may remove or arrange for the removal of the vehicle from that Parking Place.
- 5.5.8 An Authorised Person removing a vehicle by virtue of Article 5.11 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
- 5.5.9 When an Authorised Person removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 5.12, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 5.5.10 Any expenses incurred by the Council in removing a vehicle from a Parking Place by virtue of Article 5.11 or in making arrangements for the safe custody of the vehicle by virtue of Article 5.12 shall be recoverable by the Council from the Registered Keeper of the vehicle.
- 5.5.11 The Council may as respects a vehicle which has been removed from a Parking Place in pursuance of Article 5.11, if it appears to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978 (as amended).
- 5.5.12 A police constable in uniform, or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, vehicles left in any Parking Place.

6.0 General

- Where a penalty charge notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the vehicle, a police constable in uniform or an Authorised Person shall remove the notice from the vehicle unless authorised to do so by the Driver.
- 6.2 The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice.

7.0 **Permits**

- 7.1 Particulars to be included on Permits
- 7.1.1 A Permit shall include the following particulars on the front of the Permit:

- (a) The name of the Road in which the Parking Place for which the Permit is issued, is located:
- (b) The registration number of the vehicle in respect of which the Permit has been issued;
- (c) The date on which the validity of the Permit will expire;
- (d) An authentication that the Permit has been issued by the Council.

7.2 Provision of Permits

Special Permits

- 7.2.1 From time to time, the Council may determine that to address a particular parking need, it would be appropriate to issue a Special Permit to a person who is the Registered Keeper of a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle to enable that person or any other person using the vehicle with the Registered Keeper's consent to park the vehicle in a Special Permit Parking Place.
- 7.2.2 The issue of a Special Permit to a person shall not be construed as if any part of a Special Permit Parking Place was reserved solely for the use of a Permit Holder or that there will be space available for parking a vehicle in a Special Permit Parking Place.
- 7.3 Application for and issue of Duplicate Permits
- 7.3.1 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 surrender it to the Council and the Council upon receipt of the Permit shall issue a Duplicate Permit so marked.
- 7.3.2 If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a Duplicate Permit and the 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.
- 7.3.3 The provisions of this Order shall apply to a Duplicate Permit and an application therefore as if it were a Permit.
- 7.3.4 The date on which the validity of the Duplicate Permit will expire will be the same date as shown on the Permit which it duplicates.
- 7.3.5 The Council will levy a charge for the issue of a Duplicate Permit.
- 7.4 Surrender, Cancellation and Validity of Permits
- 7.4.1 A Permit Holder may surrender a Permit to the Council at any time.
- 7.4.2 A Permit shall cease to be valid on the occurrence of any one of the events set out in Article 7.4.4 and the Permit Holder shall surrender the Permit which he holds to the Council within 48 hours of the occurrence of the relevant event.

- 7.4.3 The Council may entirely at its own discretion cancel a Permit and notify the Permit Holder by a notice in writing served on 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 and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.
- 7.4.4 The events referred to in Article 7.4.2 are:
 - (a) the Permit Holder ceasing to be the Registered Keeper of the vehicle in respect of which the Permit was issued;
 - (b) the withdrawal of such Permit by the Council under the provisions of Article 7.4.3; or
 - (c) the vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is not a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle.
 - (d) The period of validity of the Permit has expired.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 14th day of May Two thousand and fifteen.

THE COMMON SEAL of BIRMINGHAM CITY COUNCIL was hereunto affixed to this deed in the presence of:-

Authorised Signatory

