

## BIRMINGHAM CITY COUNCIL

### (STATION ROAD ETC KINGS NORTON) (PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES) ORDER 2007

Birmingham City Council ("the Council") in exercise of its powers under Sections 1 (1), 2 (1) to (3) and 4 (2) 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.

#### **1.0 Commencement and citation**

- 1.1 This Order shall come into force on the 30<sup>th</sup> day of November Two thousand and seven. The Order may be cited as the "Birmingham City Council (Station Road etc Kings Norton) (Prohibition and Restriction of Waiting and Parking Places) Order 2007".
- 1.2 The plan titled "Birmingham City Council (Station Road etc Kings Norton) (Prohibition and Restriction of Waiting and Parking Places) Order 2007" is incorporated into this Order.

#### **2.0 Interpretation**

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"authorised permit" is a residents permit, resident visitors permit, business permit or business visitors permit as applicable issued under the provisions of this Order;

"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;

"authorised taxi rank" means any area of a carriageway which is comprised within and indicated by a road marking that has been authorised by the Secretary of State for Transport exercising his powers under Sections 64 and 65 of the Act;

"bus" has the same meaning as in regulation 22 of the Traffic Signs Regulations and General Directions 2002;

"carriageway", "footway", "verge" and "central reservation" have the same meaning as in section 329 (1) of the Highways Act 1980;

"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.

"highway" means all carriageways, footways, verges and central reservations;

"licensed taxi" has the same meaning as in Section 13(3) of the Transport Act 1985;

"no loading / unloading period", "no waiting period", "permitted period for waiting", "maximum period of waiting" and "no return interval" mean the times and durations specified for different parts of roads (as applicable) on the on-street plans;

"on-street plan" means the plan titled "Birmingham City Council (Station Road etc Kings Norton) (Prohibition and Restriction of Waiting and Parking Places) Order 2007",

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

"permitted vehicle" is a vehicle displaying an authorised permit in the relevant position.

"relevant position" has the same meaning as in regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

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

"universal service provider" has the same meaning as in Section 4 (3) of the Postal Services Act 2000;

- 2.2 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;
- 2.3 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;
- 2.4 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;
- 2.5 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

### **3.0 Waiting and Loading / Unloading Controls**

- 3.1 Where, in relation to any part of a road shown on the on-street plan, a no waiting period is specified, then, subject to the provisions of Articles 3.2, 4.1, 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.
- 3.2 Nothing in Article 3.1 shall render it unlawful to cause or permit any vehicle to wait to enable goods to be loaded on to or unloaded from the vehicle except during any no loading / unloading period specified for that part of the road.
- 3.3 Where, in relation to any part of a road shown on the on-street plan, a permitted period for waiting is specified, then, subject to the provisions of Articles 4.1 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.
- 3.4 Where, in relation to any part of a road shown on the on-street plan, a class of permitted vehicle as specified in Articles 4.1 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 class of vehicle other than that specified to wait in that part of the road.
- 4.1 Nothing in Articles 3.1, 3.3 and 3.4 of this Order 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;
  - (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 that vehicle 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 National Rivers Authority 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:
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road; or
    - (iv) 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 telecommunications apparatus as defined

in the Telecommunications Act 1984.

- 4.2 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a bus to wait on a bus stop or bus stand marked in accordance with The Traffic Signs Regulations and General Directions 2002.
- 4.3 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a licensed taxi to wait on an authorised taxi rank marked in accordance with The Traffic Signs Regulations and General Directions 2002.
- 4.4 Where, in relation to any part of a road shown on the on-street plan, a no waiting period exceeding three hours duration is specified, then nothing in Article 3.1 shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled persons badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time of which the period of waiting began), to wait in that length of road 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 length of road provided that such period lies entirely outside any no loading / unloading period specified for that length of road).
- 4.5 Where, in relation to any part of a road shown on the on-street plan, a no waiting period equal to or less than three hours duration is specified or a permitted period of waiting is specified, then nothing in Articles 3.1, or 3.4 shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled persons badge, to wait in that length of road.

## **5.0 Application for and use of Permits**

- 5.1 Any resident who is the owner of a vehicle may apply to the Council for the issue of a permit for the parking of that vehicle within any road or length of road specified in the on-street plan and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form.
- 5.2 The Council may at anytime require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- 5.3 On receipt of an application duly made under the foregoing provisions of this Article, the Council upon being satisfied that the applicant is a resident and is the owner of a vehicle may, subject to Articles 5.3.1 and 5.3.2, issue to the applicant one permit for the parking within any road or length of road specified in the on-street plan 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, provided that:
  - 5.3.1 Subject to the provisions of Article 8 of this Order, the 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; and
  - 5.3.2 Provided always that the issue of a permit to a resident shall not be construed as if any parking space in the parking place was reserved solely for the use of a permit holder.

## **6.0 Surrender, Cancellation and Validity of Permits**

- 6.1 A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- 6.2.1 The Council may entirely at its own discretion cancel a permit and notify the permit holder by 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;
- 6.2.2 A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.
- 6.3 The events referred to in the foregoing provisions of this Article are:
  - 6.3.1 The permit holder ceasing to be a resident;
  - 6.3.2 The permit holder ceasing to be the owner of the vehicle in response of which the permit was issued;
  - 6.3.3 The withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article; or

## **7.0 Application for use 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 surrender it to the Council and the Council upon receipt of the permit shall issue a duplicate permit so marked;
- 7.2 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 The provisions of this Order shall apply to a duplicate resident permit and an application therefore as if it were a resident permit, or as the case may be, an application therefore;
- 7.4 The Council will levy a charge for the issue of a duplicate permit.

## **8.0 Form of Permit**

- 8.1 A permit shall be in writing and shall bear the words "Station Road, Kings Norton Residents Parking Scheme" and shall include the following particulars:
  - 8.1.1 The registration mark of the vehicle in respect of which the permit has been issued;



8.1.2 An authentication that the permit has been issued by the Council.

## 9.0 Display of Permit

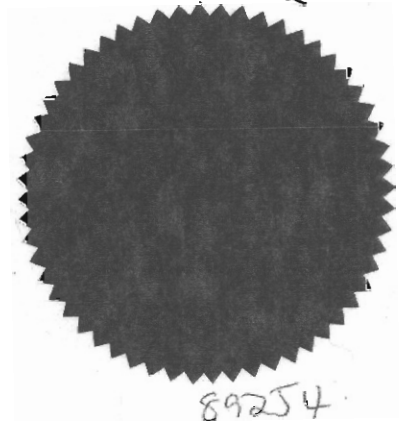
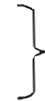
9.1 At all times during which a vehicle is waiting within any road or length of road shown on the on-street plan a permitted vehicle shall display in the relevant position a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 8 of this Order are readily visible from the front or nearside of the vehicle.

## 10.0 Restriction of the removal of Permits

10.1 Where a permit has been displayed on a vehicle in accordance with the provisions of Article 9.1 of this Order, no person, not being the permit holder, shall remove the permit from the vehicle unless authorised to do so by the permit holder.

GIVEN UNDER THE COMMON SEAL OF BIRMINGHAM CITY COUNCIL on the 27<sup>th</sup> day of November Two thousand and seven.

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



Authorised Signatory

# NOTES

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**AUTHORISED SIGNATORY**

DATE 30/11/07 REVISIONS

Birmingham City Council  
Highways

Consulency Services

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## SCHEME

(STATION ROAD ETC  
KINGS NORTON)  
(PROHIBITION AND RESTRICTION

## DRAWING

OF WAITING AND PARKING  
PLACES) ORDER 2007

SCALE 1:1000  
DATE 30/11/07  
FILE LOCATION

DRAWN LC  
APPROVED GS  
SHEET SIZE A3

DRAWING NO NF/NRF/202

SHEET 1 REV.

