

**BIRMINGHAM CITY COUNCIL**  
**(ASTON ROAD ETC ASTON)**  
**(RESTRICTION OF WAITING) ORDER 2009**

Birmingham City Council ("the Council") in exercise of its powers under Sections 1 (1), 2(1) to (3), 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") (as amended) 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. (1) This Order shall come into operation on the 6<sup>th</sup> day of February Two thousand and nine and may be cited as "Birmingham City Council (Aston Road etc Aston) (Restriction of Waiting) Order 2009".
- (2) The Birmingham City Council (Aston Road etc Aston) (Restriction of Waiting) Order 2009 On-Street Plans ("the On-Street Plans") and Key are incorporated into this Order

2. (1) In 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;

"Key" means the Key attached to the On-Street Plans to be read in conjunction with these On-Street Plans;

"On-Street Plans" means the drawings named the General Layout of the Waiting Restrictions Sheet 1 of 24 to Sheet 24 of 24 and the Scheme Boundary Plan, which are annexed hereto and incorporated into this Order pursuant to Article 1(2) hereof;

"Resident" means a person whose usual place of residence is at premises the postal address of which is within the scheme boundary area shown on the Scheme Boundary Plan.

"Resident Permit" means a permit issued in accordance with the provisions of this Order;

"Restricted Hours" are as indicated on the Key attached to this Order

"Scheme Boundary Plan" means the drawing named the General Layout of the Waiting Restrictions Scheme Boundry, Aston Villa which is annexed hereto and incorporated into this Order pursuant to Article 1(2) hereof

"Telecommunications Apparatus" has the same meaning as in Schedule 2 to the Telecommunications Act 1984;

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

- (2) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
  - (3) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment;
  - (4) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment
  - (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. Save as provided in Articles 4 and 5 of this Order, no person shall, except upon the direction or with the permission 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:
  - (a) in the lengths of road or on the sides of road as shown on the On Street Plans annexed to this Order, within the specified markings shown in the Key during the restricted hours;
  - (b) on footways and verges contiguous to these lengths of road referred to in Article 3(a).
4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit 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 :
  - (a) a person to board or alight from the vehicle;
  - (b) 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;
  - (c) the 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 National Rivers Authority or their agents in pursuance of statutory powers or duties;

- (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
  - (e) 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 or funeral or other religious observances;
  - (f) the vehicle to be used for fire brigade, ambulance or police purposes;
  - (g) the vehicle if it cannot conveniently be used for such purpose in any other road to be used to deliver to or collect from or load or unload goods at any premises provided that no vehicles so engaged shall wait for longer than 30 minutes outside the premises without the permission of a Police Constable in uniform, a traffic warden or an authorised person
5. Nothing in Article 3 of this Order shall render it unlawful to cause or permit a vehicle which displays in accordance with the provisions of this Order a Resident Permit to wait in the lengths of road or on the sides of the road referred to in that Article;

#### **APPLICATION FOR AND USE OF RESIDENT PERMIT**

6. (1) Any Resident who is the owner of a vehicle may apply to the Council for the issue of a Resident Permit for the parking of that vehicle within any road or length of road specified in Article 3 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.
- (2) The Council may at anytime require an applicant for a Resident 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.
- (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 provisos (i) and (ii) hereto, issue to the applicant one permit for the parking within any road or length of road specified in Article 3 of the vehicle to which such Resident Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner, provided that:
- (i) Subject to the provisions of Article 9 of this Order, the Council shall not issue a Resident Permit to any Resident which would be valid for any period during which any other Resident Permit issued to that Resident is or would be valid; and
  - (ii) Provided always that the issue of a Resident 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 Resident Permit holder.

#### **SURRENDER, CANCELLATION AND VALIDITY OF RESIDENT PERMIT**

7. (1) A Resident Permit holder may surrender a Resident 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.
- (2) (i) The Council may entirely at its own discretion cancel a Resident Permit and notify the Resident Permit holder by notice in writing served on the Resident Permit holder at the address shown by that person on the application for the Resident Permit or at any other address believed to be that person's place of abode and the permit holder shall surrender the Resident Permit to the Council within 48 hours of the receipt of the aforementioned notice;
- (ii) A Resident Permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (3) The events referred to in the foregoing provisions of this Article are:
  - (a) The Resident Permit holder ceasing to be a Resident;
  - (b) The Resident Permit holder ceasing to be the owner of the vehicle in response of which the Resident Permit was issued;
  - (c) The withdrawal of such Resident Permit by the Council under the provisions of paragraph (2) of this Article; or

#### **APPLICATION FOR AND ISSUE OF DUPLICATE RESIDENT PERMIT**

8. (1) If a Resident 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 Resident Permit holder shall surrender it to the Council and the Council upon receipt of the Resident Permit shall issue a duplicate Resident Permit so marked;
- (2) If a Resident Permit is lost or destroyed, the Resident Permit holder may apply to the Council for the issue to him of a duplicate Resident Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Resident Permit so marked and upon such issue the Resident Permit which it duplicates shall become invalid;
- (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;
- (4) The Council will levy a charge for the issue of a duplicate Resident Permit.

### **FORM OF RESIDENT PERMIT**

9. A Resident Permit shall be in writing and shall bear the words "Aston Residents Parking Scheme" and shall include the following particulars:
- (a) The registration mark of the vehicle in respect of which the Resident Permit has been issued;
  - (b) An authentication that the Resident Permit has been issued by the Council.

### **DISPLAY OF RESIDENT PERMIT**

10. At all times during which a vehicle is waiting within any road or length of road specified in Article 3 there shall be displayed in a conspicuous position on the vehicle so that all the particulars referred to in Article 9 are legible and clearly visible to a person standing at the front or nearside of the vehicle a valid Resident Permit issued in respect of that vehicle.

### **RESTRICTION OF THE REMOVAL OF RESIDENT PERMIT**

11. Where a Resident Permit has been displayed on a vehicle in accordance with the provisions of Article 10 of this Order, no person, not being the Resident Permit holder, shall remove the Resident Permit from the vehicle unless authorised to do so by the Resident Permit holder.

### **REVOCATION OF TRAFFIC REGULATION ORDER**

12. The "Birmingham City Council (Aston Road etc Aston) (Restriction of Waiting) Order 2005" (as amended) shall be revoked.

### **VARIATION OF TRAFFIC REGULATION ORDERS**

13. The "Birmingham City Council (Electric Avenue etc Witton) (General Traffic Control) Order 1998" shall be varied to the extent described in SCHEDULE ONE
14. The "Birmingham City Council (Aston Hall Road etc Witton) (Prohibition and Restriction of Waiting) Order 1993" (as amended) shall be varied to the extent described in SCHEDULE TWO

### **SCHEDULE ONE**

Variations to "Birmingham City Council (Electric Avenue etc Witton) (General Traffic Control) Order 1998"

1. In the FIRST SCHEDULE

- a. The references to TAME ROAD shall be deleted and the following inserted.

TAME ROAD                      South west side, from the line of the kerb on the south side of Witton Road for a distance of approximately 12 metres in a south easterly direction.

TAME ROAD                      North east side, from the line of the kerb on the south side of Witton Road for a distance of approximately 19 metres in a south easterly direction.

TAME ROAD                      North east side, from a point approximately 16 metres south east of the built out line of the kerb on the south side of Brantley Road to a point approximately 10 metres north west of the line of the kerb on the north side of Brantley Road.

TAME ROAD                      North east side, from a point approximately 17 south east of the built out line of the kerb on the south side of Westwood Road to a point approximately 10 metres north west of the line of the kerb on the north side of Westwood Road.

TAME ROAD                      North east side, from a point approximately 12 metres north west of the line of the kerb on the north side of Dulverton Road to a point approximately 21 metres south east of the line of the kerb on the south side of Dulverton Road.

TAME ROAD                      North east side, from a point approximately 38 metres from the built out line of the kerb on the south side of Westwood Road to a point approximately 50 metres north west of the line of the kerb on the north side of Dulverton Road

TAME ROAD                      South west side, from a point approximately 44 metres from the built out line of the kerb on the south side of Westwood Road for a distance of approximately 16 metres in a south easterly direction.

TAME ROAD                      North east side, from a point approximately 8 metres north west of the line of the kerb on the north side of Bickford Road to a point approximately 15 metres south east of the line of the kerb on the south side of Bickford Road.

**TAME ROAD** South west side, from a point approximately 66 metres north west of the line of the kerb on the south west side of Electric Avenue for a distance of approximately 45 metres in a north westerly direction.

**TAME ROAD** North east side, from a point approximately 60 metres north west of the line of the kerb on the west side of Electric Avenue for a distance of approximately 39 metres in a north westerly direction

**TAME ROAD** South west side, from a point approximately 174 metres north west of the line of the kerb on the south west side of Electric Avenue to a point approximately 138 metres south east of the line of the kerb on the south side of Bickford Road.

**TAME ROAD** North east side, from a point approximately 167 metres north west of the line of the kerb on the west side of Electric Avenue to a point approximately 125 metres south east of the line of the kerb on the south side of Bickford Road.

**TAME ROAD** North east side, from the line of the kerb on the west side of Electric Avenue for a distance of approximately 22 metres in a north westerly direction.

**TAME ROAD** South west side, from the line of the kerb on the south west side of Electric Avenue for a distance of approximately 24 metres in a north westerly direction.

b. The second reference to BICKFORD ROAD shall be deleted and the following inserted.

**BICKFORD ROAD** South side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 18 metres in an easterly direction

**BICKFORD ROAD** North side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 12 metres in an easterly direction

c. The second reference to DULVERTON ROAD shall be deleted and the following inserted.

**DULVERTON ROAD** South side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 15 metres in an easterly direction

**DULVERTON ROAD** North side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 14

metres in an easterly direction

- d. The second and third references to WESTWOOD ROAD shall be deleted and the following inserted.

WESTWOOD ROAD      South side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 19 metres in an easterly direction

WESTWOOD ROAD      North side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 27 metres in an easterly direction

- e. The second reference to BRANTLEY ROAD shall be deleted and the following inserted.

BRANTLEY ROAD      South side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 24 metres in an easterly direction

BRANTLEY ROAD      North side, from the line of the kerb on the north east side of Tame Road for a distance of approximately 11 metres in an easterly direction

2. In the SECOND SCHEDULE

- a. The references to TAME ROAD shall be deleted and the following inserted.

TAME ROAD      South west side from a point approximately 24 metres north west of the line of the kerb on the south west side of Electric Avenue for a distance of approximately 42 metres in a north westerly direction.

TAME ROAD      South west side, from a point approximately 111 metres north west of the line of the kerb on the south west side of Electric Avenue for a distance of approximately 63 metres in a north westerly direction.

- b. The reference to WESTWOOD ROAD shall be deleted and the following inserted.

WESTWOOD ROAD      North side, from a point approximately 27 metres east of the line of the kerb on the north east side of Tame Road to a point approximately 14 metres west of the line of the kerb on the west side of Electric Avenue.

SCHEDULE TWO



Variations to "Birmingham City Council (Aston Hall Road etc Witton) (Prohibition and Restriction of Waiting) Order 1993" (as amended)

In the SCHEDULE

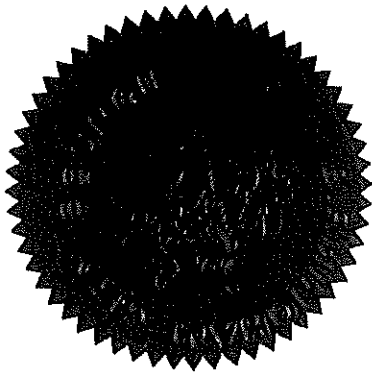
The references to TAME ROAD shall be deleted and the following inserted.

TAME ROAD	North east side, from a point approximately 22 metres north west of the line of the kerb on the west side of Electric Avenue for a distance of approximately 38 metres in a north westerly direction.
TAME ROAD	North east side, from a point approximately 99 metres north west of the line of the kerb on the west side of Electric Avenue for a distance of approximately 68 metres in a north westerly direction
TAME ROAD	North east side, from a point approximately 15 metres south east of the line of the kerb on the south side of Bickford Road for a distance of approximately 125 metres in a south easterly direction.
	North east side, from a point approximately 8 metres north west of the line of the kerb on the north side of Bickford Road to a point approximately 21 metres south east of the line of the kerb on the south side of Dulverton Road
TAME ROAD	North east side, from a point approximately 12 metres north west of the line of the kerb on the north side of Dulverton Road for a distance of approximately 38 metres in a north westerly direction.
TAME ROAD	South west side from a point approximately 22 metres south east of the built out line of the kerb on the south side of Westwood Road to a point approximately 5 metres north west of the line of the kerb on the north side of Westwood Road.
TAME ROAD	South west side, from a point approximately 12 metres south east of the line of the kerb on the south side of Witton Road to the built out line of the kerb on the south side of Brantley Road

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 5<sup>th</sup> day of

February Two thousand and nine.

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



93968

  
Authorised Signatory



# NOTES

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction in any form is prohibited. Any use of this map for navigation or other purposes may lead to prosecution or civil proceedings. Birmingham City Council 100021326 (2008)

## KEYS:

- Match Days only Residents Permit Holders  
Mon-Fri: 5-10pm Sat & Sun: Noon-6pm
- Match Days only Residents Permit Holders  
Mon-Fri: 6:30-10pm Sat & Sun: Noon-6pm
- Match Days only Non-Fit 5-10pm  
Sat & Sun: Noon-6pm 1 hour No Return Within 2 hours
- Scheme Boundary
- Boundary of the area which have been excluded from the scheme

DATE	REV	REVISION



## Constituency Services

JOHN BLAKEMORE  
ACTING CHIEF HIGHWAY ENGINEER  
1 LANCASTER CIRCUS,  
BIRMINGHAM B4 7DD.

## SCHEME

Birmingham City Council  
(Aston Road etc Aston) (Resi-  
-riction of Waiting) Order 2009

## DRAWING

General Layout of the  
Waiting Restrictions  
Scheme Boundary, Aston Villa

SCALE	1:1250	DRAWN	SK
DATE	6-02-09	ENG.	SK
FILE LOCATION	L/IMS/Sajid/..	SHEET SIZE	A3
DRAWING NO	IMSE-SK-0320	SHEET	A3
		REV.	1

