

**BIRMINGHAM CITY COUNCIL
(CHAMBERLAIN GARDENS ESTATE ETC LADYWOOD)
(PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES)
ORDER 2009**

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 ("the Act") and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III and Part IV 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 1st of December Two Thousand and Nine and may be cited as "Birmingham City Council (Chamberlain Gardens Estate etc Ladywood) (Prohibition and Restriction of Waiting and Parking Places) Order 2009"
- 1.2 The Plan Index titled "Birmingham City Council (Chamberlain Gardens Estate etc Ladywood) (Prohibition and Restriction of Waiting and Parking Places) Order 2009 Plan Index" is incorporated into this Order.
- 1.3 The On-street Plans titled "Birmingham City Council (Chamberlain Gardens Estate etc Ladywood) (Prohibition and Restriction of Waiting and Parking Places) Order 2009" are 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;

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

"Business Permit" means a Permit issued under the provisions of Articles 8.4.1 – 8.4.7 to an employee of a business whose postal address is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CG/01

"Carriageway" and "Footway" have the same meaning as in Section 329 (1) of the Highways Act 1980;

"Civil Enforcement Officer" has the same meaning as that provided in Section 76 of The Traffic Management Act 2004;

"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;

"Disabled Persons Parking Place" means a part of a Road identified as such on the On-street Plans 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", in relation to a vehicle waiting in a Parking Place, means the person driving the vehicle at the time it was left in the Parking Place;

"Duplicate Business Permit" means a Duplicate Business Permit issued under Article 8.5;

"Duplicate Family Carer Permit" means a Duplicate Family Carer Permit issued under Article 8.5;

"Duplicate Resident Permit" means a Duplicate Resident Permit issued under Article 8.5;

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

"Family Carer Permit" means a Permit issued to a Resident under the provisions of Articles 8.2.1 – 8.2.8

"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, and is not drawing a Trailer;

"Highway" means all carriageways, footways and verges;

"Loading" includes loading and unloading where appropriate;

"On-street Plans" means the plans titled "Birmingham City Council (Chamberlain Gardens Estate etc Ladywood) (Prohibition and Restriction of Waiting and Parking Places) Order 2009" incorporated into this Order;

"Parking Space" means a space provided for the leaving of vehicles in a Parking Place;

"Parking Place" means where the Council deem it appropriate the various types of Parking Place identified in Article 2.3;]

"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 Council deem it appropriate the various types of Permit identified in Article 2.2(c);

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

"Plan Index" means the (sealed) sheet entitled "Birmingham City Council (Chamberlain Gardens Estate etc Ladywood) (Prohibition and Restriction of Waiting and Parking Places) Order 2009" that records plans that are current for the purposes of interpretation of this Order;

"Police Parking Place" means a part of a Road identified as such on the On-street Plans 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 Resident Permit, a Duplicate Resident Permit, a Resident Visitor Permit, a Family Carer Permit, a Duplicate family Carer Permit, a Business Permit or a Duplicate Business Permit the respective fee which shall be determined from time to time by the Council to be paid by an applicant for any of these permits;

"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;
- (b) for the display of a Disabled Persons Badge or Parking Disc, that the Disabled Persons Badge or Parking Disc is displayed as stated in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Resident(s)" means a person whose usual residence is at premises the postal address of which is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CG/01;

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

"Resident Permit" means a Permit issued to a Resident under the provisions of Articles 8.2.1 – 8.2.7;

"Resident Visitor Permit" means a Permit issued under the provisions of Articles 8.3.1 – 8.3.5 to a Resident and which Permit is to be displayed on a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle being used by a bona-fide visitor when it is parked in a Resident Parking Place or a Shared Parking Place;

"Restricted Hours" means:

- (a) in relation to any Restricted Road in Zone A on Plan reference CG/01, the period between 11 am and 12 noon Monday to Friday inclusive; except in relation to any Restricted Road or part of a Restricted Road where a different period of 'no waiting' or a period of 'no stopping' or a period of 'limited waiting' is indicated on the On-street Plans;
- (b) in relation to any Restricted Road in Zone B, on Plan reference CG/01 the period between 8 am and 11 pm on every day; except in relation to any Restricted Road or part of a Restricted Road where a different period of 'no waiting' or a period of 'no stopping' or a period of 'limited waiting' is indicated on the On-street Plans;

"Restricted Road" means any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference cg/01;

Provided that the expression "Restricted Road" shall not for the purposes of Articles 5.1, 5.2 or 5.4 include any Parking Place, Disabled Persons Parking Place or Police Parking Place;

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

"Shared Parking Place" means a part of a Road identified as such on the On-street Plans for use as a Parking Place for a vehicle which displays in the Relevant Position either a Resident Permit or a Business Permit at the relevant times;

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

"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;

"Trailer" means any vehicle other than a motor vehicle;

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

"Zone A" and "Zone B" mean the zones so described on Plan reference CG/01.

- 2.2 Where the Council deem it so expedient all references in this Order to a "Parking Place" shall include reference to a Resident Parking Place, a Business Parking Place, a Shared Parking Place, a Disabled Persons' Parking Place or a Police Parking Place;

- 2.3 Where the Council deem it so expedient all references in this Order to:

- (a) "Resident Permit" shall include reference to a Resident Permit, a Duplicate Resident Permit, a Resident Visitor Permit, a Family Carer Permit or a Duplicate Family Carer Permit;

- (b) "Business Permit" shall include reference to a Business Permit or a Duplicate Business Permit;
 - (c) "Permit" shall include reference to a Resident Permit, a Duplicate Resident Permit, a Resident Visitor Permit, a Family Carer Permit, a Duplicate Family Carer Permit, a Business Permit or a Duplicate Business Permit;
- 2.4 Where a Permit has been displayed on a vehicle in the Relevant Position as required by Article 6.6 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 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;
- 2.9 The Orders listed in Schedule 1 are varied to the extent specified;
- 2.10 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Prohibition and Restriction of Waiting

- 3.1 Where, in relation to any part of a Road shown on the On-street Plans, a period of 'no waiting' is indicated, then, subject to the provisions of Articles 3.2, 3.3, 3.4, 5.9 and 5.10 no person shall except upon the direction of a police constable in uniform 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 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 (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 National Rivers Authority or their agents in pursuance of statutory powers or duties;
 - (e) 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 or funeral or other religious observances;
 - (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 Telecommunications 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 the vehicle except for any period indicated on the On-street Plans 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 Plans 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 Plans 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. No Stopping Controls

4.1 Where, in relation to any part of a Road shown on the On-Street Plans, a No Stopping Period is specified, then, subject to the provisions of Article 4.2 no person shall cause or permit any vehicle to stop during that period in that part of the Road.

4.2 Exemptions to 'no stopping' controls

4.2.1 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to stop in the lengths of Road or on the sides of Road referred to therein if:

- (a) required by law to cause the vehicle to stop or not to proceed;
- (b) obliged to stop the vehicle so as to avoid an accident;
- (c) prevented from proceeding in the vehicle by circumstances beyond the person's control;
- (d) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
- (e) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
- (f) the vehicle is being used for police, ambulance or fire brigade purposes;
- (g) the vehicle is being used in connection with the removal of any obstruction to traffic;
- (h) the vehicle is being used in connection with the maintenance, improvement or reconstruction of any part of that Road.
- (i) using the vehicle in connection with 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.
- (j) the vehicle (other than a passenger vehicle) cannot conveniently be used for such purpose in any other Road and is being 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;
- (k) the vehicle is to stop 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;

- 4.2.2 The controls specified in Article 4.1 do not apply to anything done with the permission of an Authorised Person or with the permission or at the direction of a police constable in uniform or a traffic warden.

5. Restricted Roads

- 5.1 Save as provided in Articles 5.2, 5.3, 5.4, 5.9 and 5.10, no person shall, except upon the direction of a police constable in uniform or with the permission of an Authorised Person, cause or permit any vehicle to wait in any Restricted Road during the Restricted Hours.
- 5.2 Nothing in Article 5.1 shall prevent any person from causing or permitting a vehicle to wait in any Restricted Road 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 (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 National Rivers Authority or their agents in pursuance of statutory powers or duties;
 - (e) 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 or funeral or other religious observances;
 - (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 Telecommunications Apparatus.
 - (g) if the vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;

- (h) for the purpose of Loading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository.

Exceptions for vehicles displaying a Disabled Person's Badge

- 5.3 Nothing in Article 5.1 shall prevent any person from causing or permitting a vehicle to wait in any Restricted Road for so long as may be necessary:

- (a) If the vehicle is parked in a Restricted Road in Zone A and is a Disabled Persons Vehicle which displays in the Relevant Position a Disabled Persons Badge.
- (b) If the vehicle is parked in a Restricted Road in Zone B and is a Disabled Persons 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 at which the period of waiting began) for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of Road).

Loading

- 5.4 Nothing in Article 5.1 shall prevent any person from causing or permitting a vehicle to wait in any Restricted Road for so long as may be necessary for the purpose of delivering or collecting Goods or merchandise or Loading a vehicle at premises adjoining that Road;

Provided that no vehicle (other than a Goods Vehicle) engaged in delivering or collecting Goods or merchandise, including, so far as a bank is concerned, cash or other valuables or valuable securities, or being loaded shall wait during the Restricted Hours in the same place in any Restricted Road for a period of more than twenty minutes or such longer period as a police constable in uniform or an Authorised Person may authorise;

- 5.5 Notwithstanding anything in Article 5.4, the Driver of a vehicle waiting for the purpose of delivering or collecting Goods or merchandise or Loading the vehicle shall move the vehicle on the instruction of a police constable in uniform, a Traffic Warden or of an Authorised Person whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

Limited Waiting

- 5.6 Where, in relation to any part of a Road shown on the On-street Plans, a period of 'limited waiting' is indicated, then, subject to the provisions of Articles 5.7, 5.8, 5.9 and 5.10 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.

5.7 Nothing in Article 5.6 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 (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;
- (e) 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;
- (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 telecommunications apparatus as defined in the Telecommunications Act 1985.

Exceptions for vehicles displaying a Disabled Person's Badge

- 5.8 Nothing in Article 5.6 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.
- 5.9 The restrictions specified in Articles 3.1, 5.1 and 5.6 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.

- 5.10 The restrictions specified in Articles 3.1, 5.1 and 5.6 shall not apply to a person causing or permitting a licensed taxi to wait on an authorised taxi rank established under The Miscellaneous Provisions Act 1976 and marked in accordance with The Traffic Signs Regulations and General Directions 2002.

6.0 Parking Places

- 6.1 Where a part of a Road shown on the On-street Plans is identified as a Resident 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 Resident Parking Place during its specified hours of operation unless it is a vehicle displaying a Resident Permit in the Relevant Position.
- 6.2 Where a part of a Road shown on the On-street Plans is identified as a Business 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 Business Parking Place during its specified hours of operation unless it is a vehicle displaying a Business Permit in the Relevant Position.
- 6.3 Where a part of a Road shown on the On-street Plans is identified as a Shared 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 Shared Parking Place unless:
- (a) during the specified hours of operation when it is available for Resident Permit Holders only it is a vehicle displaying a Resident Permit in the Relevant Position;
 - (b) during the specified hours of operation when it is available for Business Permit Holders only it is a vehicle displaying a Business Permit in the Relevant Position;
 - (c) during the specified hours of operation when it is available for Permit Holders only it is a vehicle displaying either a Resident Permit or a Business Permit in the Relevant Position.
- 6.4 Where a part of a Road shown on the On-street Plans is identified as a Disabled Persons' 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 Persons' Parking Place during its specified hours of operation unless it is a vehicle displaying a Disabled Person's Badge in the Relevant Position.
- 6.5 Where a part of a Road shown on the On-street Plans 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.

6.6 No person, except with the permission of an Authorised Person, shall leave a vehicle in:

- (a) a Parking Place specified in Articles 6.1 - 6.5 during the periods specified in these Articles unless it is a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; and
- (b) a Parking Place specified in Articles 6.1 - 6.3 during the periods specified in these Articles unless the vehicle is displaying a valid Permit in the Relevant Position and that Permit is so displayed for the whole time that the vehicle remains in the Parking Place.

6.7 Nothing in Articles 6.1, 6.2 or 6.3 shall prohibit any persons from causing or permitting any vehicle to wait in a Parking Place for so long as may be necessary:

- (a) to enable a person to board or alight from the vehicle;
- (b) to enable the vehicle to be used for the delivery to or collection from or Loading Goods at any premises fronting onto the Parking Place provided that no vehicles so engaged shall wait for longer than 30 minutes outside the premises without the permission of an Authorised Person;
- (c) 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;
- (d) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
- (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 or a sewerage undertaker or the National Rivers Authority or their agents in pursuance of statutory powers or duties;
- (f) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the control of the driver or to such waiting as is necessary to prevent an accident;
- (g) 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 telecommunications apparatus as defined in the Telecommunications Act 1984.

6.8 Every vehicle left in a Parking Place shall so stand so as not to unreasonably prevent access to any premises adjoining the Road, or the use of the Road by other persons, or so as to be a nuisance.

6.9 Where a vehicle is standing in a Parking Place in contravention of the provision of Article 6.8, an Authorised Person may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Suspension of Parking Places

6.10 Any 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:
 - (1) any building operation, demolition or excavation in or adjacent to the Parking Place;
 - (2) the maintenance, improvement or reconstruction of the Parking Place; or
 - (3) 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 telecommunications apparatus, traffic sign or parking meter;
- (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 other special occasions.

6.11 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.

6.12 Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of Articles 6.10 or 6.11 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.

6.13 No person shall cause or permit a vehicle to be left in any part of a 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 6.12

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.

6.14 The driver of a vehicle using a 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.

6.15 No person shall use any vehicle, while it is in a 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 in 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, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle left in a Parking Place authorised by Articles 6.1, 6.2 or 6.3 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

6.16 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.

6.17 An Authorised Person removing a vehicle by virtue of Article 6.16 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.

6.18 When an Authorised Person removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 6.17, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

- 6.19 Any expenses incurred by the Council in removing a vehicle from a Parking Place by virtue of Article 6.17 or in making arrangements for the safe custody of the vehicle by virtue of Article 6.18 shall be recoverable by the Council from the Registered Keeper of the vehicle.
- 6.20 The Council may as respects a vehicle which has been removed from a Parking Place in pursuance of Article 6.16, 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.
- 6.21 A police constable in uniform, a Traffic Warden or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, vehicles left in a Parking Place.
- 7.0 General**
- 7.1 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.
- 7.2 The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice.
- 8.0 Permits**
- 8.1 Particulars to be included on Permits
- 8.1.1 A Permit shall include the following particulars on the front of the Permit:
- (a) The name of the Controlled Parking Scheme for which the Permit is issued, i.e. "Chamberlain Gardens Estate etc Ladywood;
 - (b)
 - (1) The registration number of the vehicle in respect of which the Permit (with the exception of a Family Carer Permit) has been issued;
 - (2) The registration number of both vehicles in respect of which the Family Carer 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.
- 8.2 Application for and use of Resident Permits and Family Carer Permits
- 8.2.1 Any Resident whose usual residence is at premises the postal address of which is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CG/01 and who is the Registered Keeper of a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle may apply to the Council for the issue of a Resident Permit;

8.2.2 The application shall:

- (a) be made on a form issued by and obtainable from the Council;
- (b) include the particulars and information required by such form; and
- (c) be accompanied by the relevant fee.

8.2.3 The Council may at any time require an applicant for a Permit or a Permit Holder to produce to an Authorised Person such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.

8.2.4 On receipt of an application duly made under Article 8.2.2, the Council upon being satisfied that the applicant is a Resident and is the Registered Keeper of a vehicle of the class specified in Article 8.2.1, may, subject to Articles 8.2.3 and 8.2.5, issue to the applicant one Resident Permit for the parking of the vehicle to which such Permit relates by the applicant or by any other person using the vehicle with the applicant's consent.

8.2.5 Initially only one Resident Permit will be issued per household, however where sufficient space is available in a Resident Parking Place or Shared Parking Place, the Council may consider issuing more than one Resident Permit to a particular household.

8.2.6 Where the Council have issued more than one Resident Permit to a particular Resident, all the Resident Permits issued to that Resident shall have the same period of validity;

8.2.7 The issue of a Resident Permit or Permits to a Resident shall not be construed as if any part of a Resident Parking Place or Shared 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 Resident Parking Place or Shared Parking Place.

- 8.2.8 (a) Where the Council have issued a Family Carer Permit to a Resident, both vehicles whose registration numbers are included in the permit may be present in a Resident Parking Place or Shared Parking Place for a maximum period of 10 minutes starting from the time at which the second vehicle arrives.
- (b) When the 10 minute period has elapsed, one of the vehicles must display a Resident Visitor Permit in the Relevant Position if both vehicles remain in the Parking Place.

8.3 Application for and use of Resident Visitor Permits

8.3.1 Any Resident whose postal address is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CG/01, may apply to the Council for the issue of Resident Visitor Permits for the parking of a vehicle provided it is a vehicle of the class specified in Article 8.2.1.

8.3.2 The application shall:

- (a) be made on a form issued by and obtainable from the Council;
- (b) include the particulars and information required by such form; and
- (c) be accompanied by the relevant fee.

8.3.3 The Council may at any time require an applicant for Resident Visitor Permits to produce to an Authorised Person such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.

8.3.4 On receipt of an application duly made under the provisions of Article 8.3.2, the Council upon being satisfied that the applicant is a Resident may, subject to Article 8.3.3 issue to the applicant Resident Visitor Permits for the parking of a vehicle of the class specified in Article 8.2.1.

8.3.5 The maximum number of Resident Visitor Permits issued to individual Residents in a calendar year shall be determined from time to time by the Council.

8.4 Application for and use of Business Permits

8.4.1 An employee of any business, whose postal address is in any Road or part of a Road within the boundary of the Chamberlain Gardens Controlled Parking Scheme as indicated on Plan reference CG/01, may apply to the Council for the issue of a Business Permit for the parking of a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle;

8.4.2 The application shall:

- (a) be made on a form issued by and obtainable from the Council;
- (b) include the particulars and information required by such form; and
- (c) be accompanied by the relevant fee.

8.4.3 The Council may at any time require an applicant for a Business Permit or a Permit Holder to produce to an Authorised Person such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.

8.4.4 On receipt of an application duly made under Article 8.4.2, the Council upon being satisfied that the applicant is an employee of a business, whose postal address is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CG/01, may, subject to Article 8.4.3 and Article 8.4.5, issue to the applicant one Business Permit for the parking of a vehicle of the class specified in Article 8.4.1.

8.4.5 Only one Business Permit will be issued per employee.

- 8.4.6 The issue of a Business Permit to an employee of a business shall not be construed as if any part of a Business Parking Place or Shared 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 Business Parking Place or Shared Parking Place.
- 8.5 Application for and issue of Duplicate Resident Permits, Duplicate Family carer Permits or Duplicate Business Permits
- 8.5.1 If a Resident Permit, Family Carer Permit or Business Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Resident Permit, Family Carer Permit or Business Permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the Council and the Council upon receipt of the Resident Permit, Family Carer Permit or Business Permit shall issue a Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit so marked;
- 8.5.2 If a Resident Permit, Family Carer Permit or Business Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit so marked and upon such issue the Resident Permit, Family Carer Permit or Business Permit which it duplicates shall become invalid;
- 8.5.3 The provisions of this Order shall apply to a Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit and an application therefore as if it were a Resident Permit, Family Carer Permit or Business Permit;
- 8.5.4 The date on which the validity of the Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit will expire will be the same date as shown on the Resident Permit, Family Carer Permit or Business Permit which it duplicates;
- 8.5.5 The Council will levy a charge for the issue of a Duplicate Resident Permit, Duplicate Family Carer Permit or Duplicate Business Permit.
- 8.6 Surrender, Cancellation and Validity of Resident Permits or Business Permits
- 8.6.1 A Permit Holder may surrender a Resident Permit, a Family Carer Permit or a Business Permit to the Council at any time;
- 8.6.2 A Resident Permit, a Family Carer Permit or a Business Permit shall cease to be valid on the occurrence of any one of the events set out in Article 8.6.4 and the Permit Holder shall surrender the Resident Permit, Family Carer Permit or a Business Permit which he holds to the Council within 48 hours of the occurrence of the relevant event.
- 8.6.3 The Council may entirely at its own discretion cancel a Resident Permit, a Family Carer Permit or a Business 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 Resident Permit or Business Permit or at

any other address believed to be that person's place of abode or, in the case of a Business Permit, that person's place of employment and the Permit Holder shall surrender the Resident Permit or Business Permit to the Council within 48 hours of the receipt of the aforementioned notice;

8.6.4 The events referred to in Article 8.6.2 are:

- (a) the Permit Holder ceasing to be a Resident or an employee of a Business whose postal address is in any Road or part of a Road within the boundary of the Chamberlain Gardens Estate etc Ladywood as indicated on Plan reference CGCPZ/03;
- (b) the Permit holder ceasing to be the Registered Keeper of the vehicle in respect of which the Permit was issued;
- (c) the withdrawal of such Permit by the Council under the provisions of Article 8.6.3;
- (d) 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; or
- (e) the period of validity of the Resident Permit, Family Carer Permit or Business Permit has expired.

Schedule 1 (Article 2.9)
Variations to existing Traffic Regulation Orders

Birmingham City Council (Ladywood No. 1) (Traffic Regulation) Order 1999

First Schedule

Monument Road

Replace the first reference by "From a point 16 metres northeast of the northeast kerb line of Waterworks Road to a point 15 metres northeast of the northeast kerb line of Noel Road"

Replace the 5th Reference by "From a point 32 metres northeast of the northeast kerb line of Plough and Harrow Road to the projected southeast kerb line of Alston Street"

Waterworks Road

Replace the first reference by "From a point 19 metres northwest of the northwest kerb line of Monument Road for a distance of 41 metres"

Replace the 6th Reference by "From a point 21 metres northwest of the northwest kerb line of Monument Road for a distance of 194 metres"

Third Schedule

Monument Road

Replace the first reference by "Northwest side, from the northern kerb line of Hagley Road for a distance of 66 metres in a north easterly direction"

Delete the second Reference;

Replace the third reference by "Southeast side, from the northern kerb line of Hagley Road for a distance of 85 metres in a north easterly direction".

Fourth Schedule

Delete the reference to Monument Road.

Birmingham City Council (Ladywood No. 3) (Traffic Regulation) Order 1999

First Schedule

Delete the references to Arden Grove, Beaufort Road, Cawdor Crescent, Duchess Road, Holywell Close, Huntly Road, Ladywood Road, Leyburn Road, Plough and Harrow Road, Sadlers Walk and Skipton Road.

Francis Road

Replace the first reference by "southwest side from the northern kerb line of Hagley Road to a point 32 metres southeast of the southeast kerblines of Duchess Road"

Replace the third reference by "northeast side from the northern kerb line of Hagley Road to a point 30 metres southeast of the extended southeast kerblines of Duchess Road"

Delete all the other references to Francis Road

Second Schedule

Plough and Harrow Road

Replace the first reference by "both sides, from the northern kerblines of Hagley Road to a point 27 metres southeast of the southeast kerblines of Beaufort Road"

Delete the other reference to Plough and Harrow Road

Third Schedule

Delete the references to Arden Grove and Holywell Close.

Fourth Schedule

Delete the references to Plough and Harrow Road.

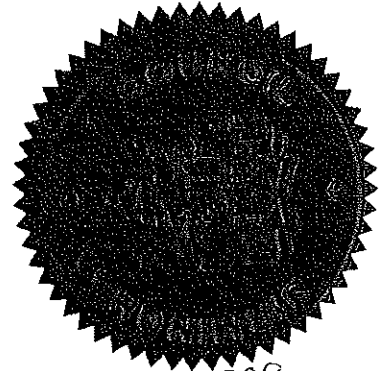
Fifth Schedule

Delete the references to Duchess Road, Frances Road, Holywell Close, Leyburn Road and Sadlers Walk.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 26th
November Two thousand and nine.

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

}



Authorised Signatory

96988

BIRMINGHAM CITY COUNCIL (CHAMBERLAIN GARDENS ESTATE ETC LADYWOOD)
(PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES) ORDER 2009 PLAN INDEX

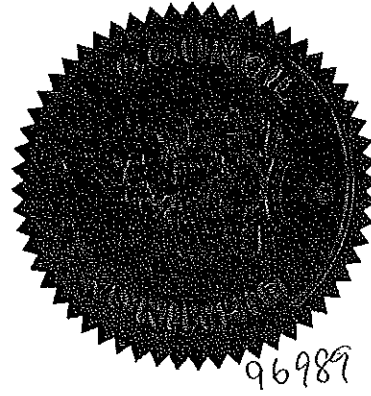
Sealed 26th November 2009

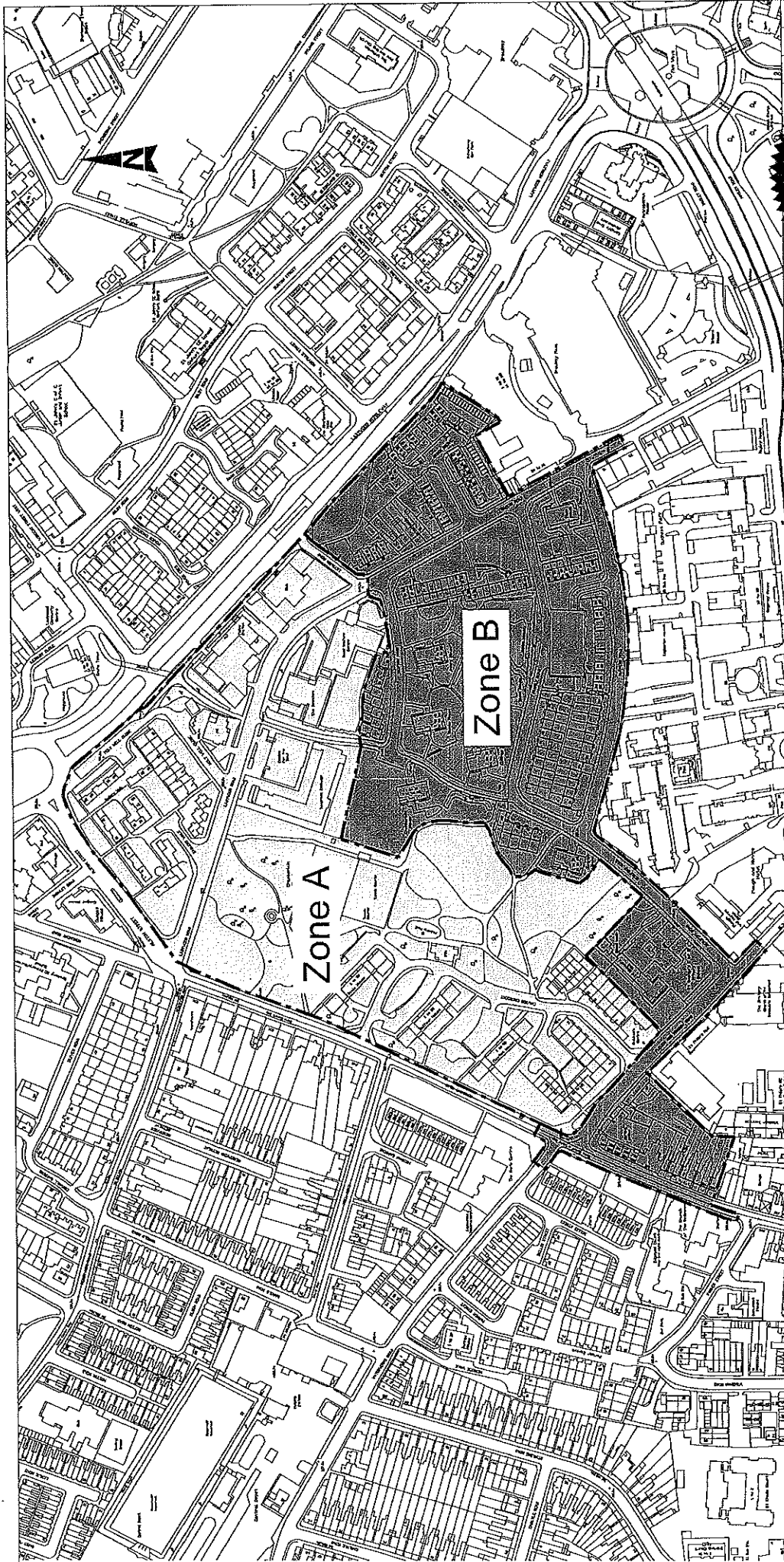
Active Date 1st December 2009

Drawing Reference	Plan Revision Dates					
	-	1	2	3	4	5
CG/01	01/12/2009					6
CG/404286NES	01/12/2009					
CG/405286NWS	01/12/2009					
CG/404286SEN	01/12/2009					
CG/405286SWN	01/12/2009					
CG/404286SES	01/12/2009					
CG/405286SWS	01/12/2009					

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







SCHEME



Birmingham City Council

JOHN BLAKEMORE
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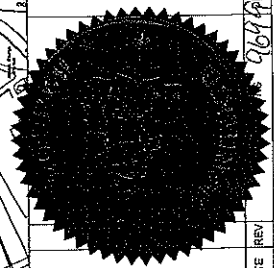
Tel: 0121 463 5000
Fax: 0121 463 5001
www.atkins.co.uk

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DRAWING

Drawing Reference - CG/01

Effective Date - 01/12/2009



DATE REV
DES. P.J.M.
96490

APPROVED SIGNATORY
BRAIN
JS
REV

5079668/011/TP/TO/007

DRAWING UNITS ARE METRES A3 SHEET