

**BIRMINGHAM CITY COUNCIL
(EASTSIDE BIRMINGHAM)
(CONTROLLED PARKING ZONE) ORDER 2016**

Birmingham City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2), 32, 35, 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 ("the Act") and of Part IV of Schedule 9 to 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 13th Day of January Two Thousand and Sixteen and may be cited as the "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016".
- 1.2 The Plan Index titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016 Plan Index" (attached hereto) is incorporated into this Order.
- 1.3 The On-Street Plans titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016" (attached hereto) are incorporated into this Order.
- 1.4 The Charge Schedule titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016 Charge Schedule" (attached hereto) 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 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 Carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in The Traffic Signs Regulations and General Directions 2002 or an equivalent road marking authorised by the Department for Transport;

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

"Bus Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a Bus;

"Car Club 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 Car Club Permit;

"Car Club Permit" means a Permit issued under the provisions of this Order to identify a vehicle which may park in a Car Club Parking Place;

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

"Central Reservation(s)" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

"Charge Schedule means the charge schedule titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016 Charge Schedule" incorporated into this Order;

"The Council" means Birmingham City Council or its successors as highway authority;

"Diplomatic Vehicle" means a vehicle with a diplomatic registration mark used by members of the staff of diplomatic missions;

"Diplomatic Vehicle Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a Diplomatic Vehicle;

"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 Person's 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" 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;

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

"Electric Vehicle" means a vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion;

"Electric Vehicle Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for an Electric Vehicle;

"Goods" means goods or burden of any kind and 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, Central Reservations and verges;

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

"Loading" includes loading and unloading where appropriate;

"Loading Bay" means part of a Road identified as such on the On-Street Plans where no vehicles may wait except to load or unload;

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

"Motor Cycle Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a Solo Motor Cycle;

"On-Street Plans" means the plans titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016" incorporated into this Order, which are recorded as current for the purposes of interpretation of this Order in the Plan Index;

"One-Way Street" means a Highway in which vehicles can only proceed in only one direction;

"Parking Charge(s)" means the charges specified in the Charge Schedule set by the Council in relation to a Parking Place With Payment that is required to be paid by the Driver of the vehicle at the time at which the vehicle is left in a Parking Place;

"Parking Payment Device" means any telephone or internet enabled device;

"Parking Place" means where the context permits the various types of Parking Place identified in Article 2.2 and identified as such on the On-Street Plans and the limits of each Parking Place shall be indicated by the Council on the Carriageway by appropriate Traffic Signs and or delineation;

"Parking Place With Payment" means a Parking Place identified in Article 5.1;

"Parking Place Without Payment" means a Parking Place identified in Article 6.1;

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

"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;

"Pedal Cycle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

"Permit" means where the context permits the various types of Permit identified in Article 2.3 that are issued by the Council and used in accordance with its terms and conditions;

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

"Permitted Hours" means the period specified by the appropriate Parking Place label on the On-Street Plans;

"Plan Index" means the (sealed) sheet titled "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016 Plan Index", in this Order that records the On-Street 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;

"Recharging Post" means a device designed for the recharging of an Electric Vehicle;

"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, 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 on the inside of 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, in either case, 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;

"Restricted Hours" means in relation to any Restricted Road specified in this Order, the period of no waiting as indicated on the On-Street Plans;

"Restricted Road" means any Road or part of a Road contained within the Traffic Regulation Order Boundary, provided that the expression "Restricted Road" shall not for the purposes of Articles 4.1 to 4.4.2 include any Parking Place;

"Road" has the same meaning as in Section 142 (1) of the Act and which is contained within the Traffic Regulation Order Boundary;

"Service Charge(s)" means a charge which may be payable to the Service Provider in addition to the Parking Charge payable in accordance with the provisions of Article 5.6.1 for vehicles using the Telephone Payment Parking System;

"Service Provider" means the company authorised and appointed by the Council to operate, administer and maintain the process for the payment of Parking Charges using the Telephone Payment Parking System;

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

"Telephone Payment Parking System" means a system to facilitate and monitor the payment of Parking Charges, together with the Service Charge, using any Parking Payment Device via communication with the Service Provider, in accordance with the Service Provider's terms and conditions and in accordance with instructions indicated on signs located at each Parking Place where the system is operational;

"Traffic Sign(s)" 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 Regulation Order Boundary" means the boundary identified as such on the On Street Plans;

"Trailer" has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle;

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

- 2.2 Where the context so permits references in this Order to "Parking Place" shall include reference to a Parking Place With Payment, Parking Place Without Payment, Bus Parking Place, Car Club Parking Place, Diplomatic Vehicle Parking Place, Disabled Person's Parking Place, Electric Vehicle Parking Place, Loading Bay, Motor Cycle Parking Place or Police Parking Place.
- 2.3 Where the context so permits references in this Order to "Permit" shall include reference to a Car Club Permit.
- 2.4 For the purpose of this Order a vehicle shall be deemed to wait for a period of more than twenty minutes in the same place in any Restricted Road if any point in that Road, which is below the vehicle when it first stops, remains below the vehicle or its load (if any) throughout a period exceeding twenty minutes, whether or not the vehicle is moved during that period.
- 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 or Schedule is a reference to the Article or Schedule 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 Orders listed in Schedule 1 are varied to the extent specified in that schedule.
- 2.10 The Orders listed in Schedule 2 are revoked.
- 2.11 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 General

- 3.1 When a vehicle is left in a Road 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 Road.
- 3.2 An Authorised Person removing a vehicle by virtue of Article 3.1 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.
- 3.3 When an Authorised Person removes or makes arrangements for the removal of a vehicle from a Road by virtue of Article 3.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 3.4 Any expenses incurred by the Council in removing a vehicle from a Road by virtue of Article 3.2 or in making arrangements for the safe custody of the vehicle by virtue of Article 3.3 shall be recoverable by the Council from the Registered Keeper of the vehicle.
- 3.5 The Council may as respects a vehicle which has been removed from a Road in pursuance of Article 3.1, 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.
- 3.6 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.
- 3.7 Where a penalty charge notice has been issued, the penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice.
- 3.8 Where a Permit has been displayed in the Relevant Position on a vehicle in accordance with the provisions 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 or the Driver.

4.0 Prohibition and Restriction of Waiting

4.1 Save as provided in Articles 4.2, 4.3 and 4.4, 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.

4.2 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of any Restricted Road or on the sides of any Restricted Road referred to therein for so long as may be necessary:

- (a) to enable a person to board or alight from the vehicle;
- (b) 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;
- (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 Environment Agency or their agents in pursuance of statutory powers or duties;
- (f) to enable up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of any Restricted Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
- (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:
 - (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, removal or repair in or adjacent to any Restricted 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 or Traffic Sign;
- (h) if the vehicle is a Licensed Taxi waiting upon any duly Authorised Taxi Rank.

4.3 Loading

- 4.3.1 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of or on the sides of any Restricted 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 Restricted 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;

- 4.3.2 Notwithstanding anything in Article 4.3.1, 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 or of an Authorised Person whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

4.4 Exemption for Disabled Person's Badge Holders

- 4.4.1 Where a period of 'no waiting' indicated on the On-Street Plans exceeds three hours, nothing in Article 4.1 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 any Restricted Road or on the sides of the Restricted 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 the Restricted Road on the same day provided that such period lies entirely outside any 'no loading' period specified on the On Street Plans for that length of Road.

- 4.4.2 Where a period of 'no waiting' indicated on the On-Street Plans does not exceed three hours, nothing in Article 4.1 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 any Restricted Road or on the sides of the Restricted Road referred to in that Article provided that such period lies entirely outside any 'no loading' period specified on the On Street Plans for that length of Road.

5.0 Parking Places with Payment

- 5.1 Each part of a Road identified as such on the On-Street Plans for use as a Parking Place with Payment is designated as a Parking Place With Payment.
- 5.2 In this section, Parking Place With Payment includes Parking Place With Payment with any duration of maximum stay, as identified on the On-Street Plans.

- 5.3 The length and situation of a Parking Space in each Parking Place With Payment shall be as may be determined by the Council.
- 5.4 Each Parking Space within a Parking Place With Payment may be used, subject to the provisions of this Order, for the leaving during the Permitted Hours of a Passenger Vehicle, Goods Vehicle, Motor Cycle, Invalid Carriage or Disabled Person's Vehicle.
- 5.5 The Parking Charges and relevant additional charges for a vehicle left in a Parking Place With Payment shall be as indicated in the Charge Schedule.
- 5.6 Payment of Parking Charges, etc.
- 5.6.1 Save as provided in Articles 5.11, where a Driver parks a vehicle in a Parking Place With Payment, the Driver shall pay on leaving the vehicle in the Parking Place With Payment a Parking Charge and relevant additional charges as specified by Article 5.5 by the making of an appropriate payment by using the Telephone Payment Parking System.
- 5.6.2 Where a Driver attempts to pay the Parking Charge in accordance with Article 5.6.1 but is unable to do so, the Driver shall remove that vehicle from that Parking Place With Payment without delay.
- 5.7 (a) A vehicle must not be left in a Parking Place With Payment during the Permitted Hours for longer than the period for which payment has been made by the Parking Charge;
- (b) Except with the written authority of the Council the Driver of a vehicle shall not permit it to wait in a Parking Space in a Parking Place With Payment during the Permitted Hours for longer than the maximum period permitted for waiting specified on the On-Street Plans in relation to that Parking Place and a vehicle found waiting in contravention of this Article shall be treated as a vehicle for which the Parking Charge has not been paid for each and every day thereafter.
- 5.8 (a) Payment of the Parking Charge in accordance with Article 5.6.1 for a vehicle left during the Permitted Hours in a Parking Space in a Parking Place With Payment shown on the On-Street Plans shall be indicated by a confirmation message sent to the Driver's Parking Payment Device indicating that the payment has been accepted and confirming the time at which the period for which payment has been made by the Parking Charge will expire.
- (b) The expiry of the period for which the Parking Charge has been paid in accordance with Article 5.6.1 shall be indicated in the electronic record of the Parking Charge payments accepted.
- 5.9 During the Permitted Hours the maximum period that a vehicle may remain in a Parking Space in a Parking Place with Payment on payment of the relevant Parking Charge is as indicated on the On-Street Plans.
- 5.10 No vehicle which has been taken away from a Parking Space in a Parking Place With Payment, after the Parking Charge has been incurred, shall

again be left in that Parking Space during the Permitted Hours until the expiration of the 'no return' period indicated on the On-Street Plans.

5.11 Exemptions from charges

5.11.1 The following vehicles left in a Parking Space in a Parking Place With Payment during the Permitted Hours shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a Parking Place specified in the foregoing provisions of this Order:

- (i) an Invalid Carriage;
- (ii) a vehicle issued to a disabled person by a department of the United Kingdom Government in lieu of an Invalid Carriage; or
- (iii) a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge.

5.11.2 Without prejudice to the generality of Article 5.11.1, a vehicle to which Article 5.11.1 applies shall stand in the Parking Space in accordance with the provisions of Article 9.4 and wholly within the limits of that space.

6.0 Parking Places without Payment

6.1 Each part of a Road identified as such on the On-Street Plans for use as a Parking Place Without Payment is designated as a Parking Place Without Payment.

6.2 The length and situation of a Parking Space in each Parking Place Without Payment shall be as may be determined by the Council.

6.3 Each Parking Space may be used, subject to the provisions of this Order, for the leaving during the Permitted Hours of a Passenger Vehicle, Goods Vehicle, Motor Cycle, Invalid Carriage or Disabled Person's Vehicle.

6.4 Duration of stay

6.4.1 Within a Parking Place Without Payment it shall be permitted to set aside a part or parts or the whole of the Parking Place Without Payment for parking of a maximum duration as shown on the On-Street Plans, and the situation of such shall be as determined by the Council.

6.4.2 Where a part, parts or the whole of a Parking Place Without Payment has been set aside, with the appropriate Traffic Signs, for parking of a maximum duration as shown on the On-Street Plans the Driver of a vehicle shall not permit it to wait for longer than the duration permitted for waiting as shown on the On-Street Plans.

- 6.4.3 When a vehicle has left a Parking Place Without Payment after waiting thereon the Driver thereof shall not permit it to wait again in that Parking Place before the no return period as shown on the On-Street Plans has elapsed.
- 6.5 The following vehicles left in a Parking Place Without Payment shall be exempt from any limitation on time specified in Article 6.4.2:
- (i) an Invalid Carriage;
 - (ii) a vehicle issued to a disabled person by a department of the United Kingdom Government in lieu of an Invalid Carriage; or
 - (iii) a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge.
- 6.6 Without prejudice to the generality of Article 6.5, a vehicle to which Article 6.5 applies shall stand in the Parking Space in accordance with the provisions of Article 9.4 and wholly within the limits of that space.

7.0 Prohibition and Restriction of Loading

- 7.1 Where, in relation to any part of a Restricted Road shown on the On-Street Plans, a period of 'no Loading' is indicated, then, subject to the provisions of Article 7.2 no person shall cause or permit any vehicle to wait during the process of Loading during that period in that part of the Restricted Road.
- 7.2 Exemptions to 'no loading' controls
- 7.2.1 Nothing in Article 7.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of any Restricted Road or on the sides of any Restricted Road referred to therein:
- (a) to enable a person to board or alight from the vehicle;
 - (b) 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;
 - (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 Environment Agency or their agents in pursuance of statutory powers or duties;

- (f) to enable up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of any Restricted Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
- (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:
 - (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, removal or repair in or adjacent to any 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 or Traffic Sign.

7.2.2 The controls specified in Article 7.1 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.

8.0 Other Parking Places

8.1 Bus Parking Places

8.1.1 Where a part of a Road shown on the On-Street Plans is identified as a Bus Parking Place then subject to the provisions of this Order, 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 the Bus Parking Place during its specified hours of operation unless it is a Bus.

8.1.2 Where, in relation to a Bus Parking Place shown on the On-Street Plans, a permitted period for parking is indicated, then, no person shall except upon the direction of a police constable in uniform or with the permission of an Authorised Person, cause or permit a Bus to park during that period:

- (a) for longer than the maximum period of parking specified for that Bus Parking Place;
- (b) if a period of less than the no return interval specified for that Bus Parking Place has elapsed since the termination during the said hours of the last period of parking (if any) of the Bus in that length of Road.

8.2 Car Club Parking Places

8.2.1 Where a part of a Road shown on the On-Street Plans is identified as a Car Club Parking Place then subject to the provisions of this Order, 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 the Car Club Parking Place during its specified hours of operation unless it displays a Car Club Permit in the Relevant Position and that Car Club Permit is so displayed for the whole time that the vehicle remains in the Car Club Parking Place.

8.3 Disabled Persons' Parking Places

8.3.1 Where a part of a Road shown on the On-Street Plans 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 with the permission of an Authorised Person, cause or permit any vehicle to wait 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 and the Disabled Person's Badge is so displayed for the whole time that the vehicle remains in the Disabled Person's Parking Place.

8.3.2 Where in relation to a Disabled Person's Parking Place shown on the On-Street Plans, a permitted period for parking is indicated then, 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 park during that period:

- (a) for longer than the maximum period of parking specified for that Disabled Person's Parking Place;
- (b) if a period of less than the no return interval specified for that Disabled Person's Parking Place has elapsed since the termination during the said hours of the last period of parking (if any) of the vehicle in that length of Road.

8.4 Loading Bays

8.4.1 Where any part of a Road shown on the On-Street Plans is identified as a Loading Bay, then subject to the provisions of this Order, 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 the Loading Bay other than during the process of Loading to or from that vehicle.

8.4.2 Where, in relation to a Loading Bay shown on the On-Street Plans, a permitted period for Loading is indicated, then, 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:

- (a) for longer than the maximum period of waiting specified for that Loading Bay;
- (b) if a period of less than the no return interval specified for that Loading Bay 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.

8.5 Motor Cycle Parking Places

- 8.5.1 Where a part of a Road shown on the On-Street Plans is identified as a Motor Cycle Parking Place then subject to the provisions of this Order, 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 the Motor Cycle Parking Place during its specified hours of operation unless it is a Solo Motor Cycle.
- 8.5.2 Where, in relation to a Motor Cycle Parking Place shown on the On-Street Plans, a permitted period for parking is indicated, then, 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:
- (a) for longer than the maximum period of waiting specified for that Motor Cycle Parking Place;
 - (b) if a period of less than the no return interval specified for that Motor Cycle Parking Place 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.

8.6 Police Parking Places

- 8.6.1 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 with the permission of an Authorised Person, cause or permit any vehicle to stop in the Police Parking Place during its specified hours of operation unless it is a vehicle being used in pursuance of police duties.

8.7 Electric Vehicle Parking Places

- 8.7.1 Where a part of a Road shown on the On-Street Plans is identified as an Electric Vehicle Parking Place then subject to the provisions of this Order, 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 the Electric Vehicle Parking Place during its specified hours of operation unless it is an Electric Vehicle.
- 8.7.2 At all times during which an Electric Vehicle is left in an Electric Vehicle Parking Place, the driver thereof shall cause the vehicle to be connected and actively recharging, via the recharging lead, to the Recharging Post relating to that Electric Vehicle Parking Place.
- 8.7.3 No person shall cause an Electric Vehicle to be left in an Electric Vehicle Parking Place:
- (a) for a continuous period of more than 3 hours.
 - (b) If a period of less than the no return interval shown on the On-Street Plans has elapsed since the termination during the said hours of the

last period of waiting (if any) of the Electric Vehicle in that length of Road.

- 8.7.4 There will be no charge levied for the use of electricity by an Electric Vehicle whilst parked in an Electric Vehicle Parking Place.

8.8 Diplomatic Vehicle Parking Places

- 8.8.1 Where a part of a Road shown on the On-Street Plans is identified as a Diplomatic Vehicle Parking Place, then subject to the provisions of this Order, 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 the Diplomatic Vehicle Parking Place unless:

- (a) it is a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; and
- (b) it is a Diplomatic Vehicle.

9.0 Parking Places in General

9.1 Exemptions

- 9.1.1 Nothing in Articles 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.7.1 and 8.8.1 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 up to a maximum of two vehicles 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 these vehicles is reasonably necessary in connection with any wedding or funeral;
 - (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:
 - (i) demolition, building construction or industrial operations when authorised by an Authorised Person by virtue of article 9.2.1;

- (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 Electronic Communications Apparatus or Traffic Sign.
- 9.1.2 No charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a Parking Place in accordance with the provisions of Article 9.1.1.
- 9.1.3 Nothing in the provisions of Articles 9.1.1 and 9.1.2 shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Act.
- 9.2 Power to suspend use of Parking Places
- 9.2.1 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.
- 9.2.2 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.
- 9.2.3 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 9.2.1 or 9.2.2 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.

- 9.2.4 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 9.2.3.

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.

- 9.3 The limits set aside for each Parking Space in each Parking Place shall be as indicated by the Council on the Carriageway by appropriate Traffic Signs and or delineation.

- 9.4 Every vehicle left in a Parking Place shall so stand:

- (a) in the case of a Parking Place that is not parallel to the edge of the kerb;

that every part of the vehicle is within the limits of a Parking Space as bounded by the appropriate delineation

- (b) in the case of any other Parking Place;

that the distance between the edge of the Carriageway and the nearest wheel of the vehicle is not more than 0.3 metres and

that every part of the vehicle is within the limits of a Parking Space as bounded by the appropriate delineation; and

if the Parking Place is in a One-Way Street, that the left or nearside of the vehicle is adjacent to the left-hand edge of the Carriageway or that the right or offside of the vehicle is adjacent to the right-hand edge of the Carriageway.

Provided that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the Road on which the vehicle is waiting.

- 9.5 Where any vehicle is standing in a Parking Place in contravention of the provisions of Article 9.4, 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.

- 9.6 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 a Parking Place.

9.7 The Driver of a vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair on that vehicle except such as may be necessary to enable the vehicle to be removed from the Parking Place.

9.8 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 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 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.

9.9 A Driver of a vehicle shall not use a Parking Place so as to unreasonably prevent access to any premises adjoining the Road, or the use of the Road by other persons, so as to be a nuisance.

9.10 The Driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place, and shall not start the engine except when about to change position of the vehicle in or depart from the Parking Place.

10.0 Permits

10.1 Particulars to be included on Permits

10.1.1 A Permit shall include the following particulars:

- (a) An identity reference number for the Permit;
- (b) The name of the Parking Place for which the Permit is issued;
- (c) The date for which the Permit is valid;
- (d) An authentication that the Permit has been issued on behalf of the Council.

10.2 Provision of Permits

10.2.1 An organisation which issues a Permit on behalf of the Council shall maintain a record of the use of that Permit and that record shall be made available at any time for inspection by an Authorised Person.

10.3 Application for and use of Permits

10.3.1 An application for a Permit 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.

10.3.2 The Council may at any time require a Permit Holder to produce to an employee or agent of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.

10.4 Surrender, Cancellation and Validity of Permits

10.4.1 A Permit Holder may surrender a Permit to the Council at any time;

10.4.2 A Permit shall cease to be valid on the occurrence of any one of the events set out in Article 10.4.4 and the Permit Holder shall surrender the Permit which he holds to the Council within 48 hours of the occurrence of the relevant event.

10.4.3 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 or, in the case of a Car Club Permit, that person's place of business and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

10.4.4 The events referred to in Article 10.4.2 are:

- (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 10.4.3;
- (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 Permit has expired.

11.0 Variation and revocation of existing Traffic Regulation Orders

11.1 The Orders specified in Schedule 1 to this Order shall have effect subject to the variations specified in that part of the said schedule.

11.2 The Orders specified in Schedule 2 to this Order are hereby revoked.

SCHEDULE 1 (Article 11.1)
Varied Orders

Variations to "City of Birmingham District Council (Lister Street Etc.)
(Prohibition and Restriction of Waiting) Order 1979"

1. All reference to a Road or part of a Road contained within the Traffic Regulation Order Boundary (as defined in "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016") shall be deleted from the "City of Birmingham District Council (Lister Street Etc.) (Prohibition and Restriction of Waiting) Order 1979".

Variations to "City of Birmingham District Council (Dartmouth Middleway, etc.)
(Prohibition of Waiting) Order, 1979"

2. All reference to a Road or part of a Road contained within the Traffic Regulation Order Boundary (as defined in "Birmingham City Council (Eastside Birmingham) (Controlled Parking Zone) Order 2016") shall be deleted from the "City of Birmingham District Council (Dartmouth Middleway, etc.) (Prohibition of Waiting) Order, 1979".

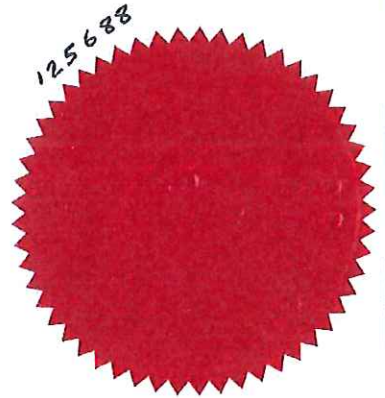
SCHEDULE 2 (Article 11.2)
Revoked Orders

1. "Birmingham City Council (Aston Road etc Gosta Green) (Prohibition of Waiting) Order 1989"
2. "Birmingham City Council (Holt Street etc Aston) (Prohibition of Waiting) Order 1992"
3. "Birmingham City Council (Woodcock Street etc Nechells) (Traffic Regulation) Order 2012"

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 12th day of
January Two thousand and Sixteen

THE COMMON SEAL OF BIRMINGHAM CITY COUNCIL
Was hereunto affixed to this Deed in the presence of:

}




Authorised Signatory

BIRMINGHAM CITY COUNCIL (EASTSIDE BIRMINGHAM) (CONTROLLED PARKING ZONE) ORDER 2016 PLAN INDEX

Sealed 12th January 2016

Effective Date 13th January 2016

Plan Ref.	Effective date	Plan revision dates							
		1	2	3	4	5	6	7	8
407287NEN	13.01.2016								
407287NES	13.01.2016								

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 12th day of January Two thousand and Sixteen

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[Signature]
Authorised Signatory

**BIRMINGHAM CITY COUNCIL (EASTSIDE BIRMINGHAM) (CONTROLLED
PARKING ZONE) ORDER 2016 CHARGE SCHEDULE**

Scale of Parking Charges applicable during the Permitted Hours for a Parking Place With Payment specified on the On-Street Plans

Parking Charge: - Four hour max stay no return within one hour

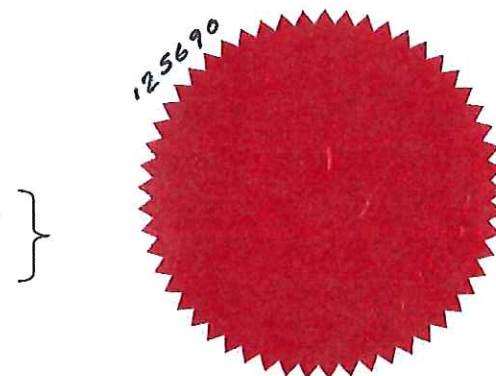
HOURS	Up to and including	More than 1 hour and up to and including	More than 2 hours and up to and including	More than 3 hours and up to and including
	1 hour	2 hours	3 hours	4 hours
CHARGE Monday to Saturday 8:00am to 7:30pm	80p	£1.60	£2.30	£3.00

Service Charges which are additional to the Parking Charges when payment by Parking Payment Device in accordance with article 5.6.1 of this Order.

Additional charge when paying by Parking Payment Device and the Parking Charge is less than £2.00	20p
Additional charge when paying by Parking Payment Device and the Parking Charge is £2.00 or more	20p
Charge for a text message reminder prior to expiry of the period for which payment has been made by the Parking Charge	10p
Charge for a text message transaction receipt	10p
Charge to extend parking time (within the maximum period for which vehicles may wait specified in the On-Street Plans)	20p
Charge to end parking time	0p

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[Signature]
Authorised Signatory