

**THE BIRMINGHAM CITY COUNCIL**  
**(OFF-STREET PARKING PLACES) (PAY ON FOOT) ORDER 2016**

The Birmingham City Council ("the Council") in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order.

**PART I**

**GENERAL**

**Commencement and citation**

1. (a) This Order shall come into operation on 23<sup>rd</sup> of September two thousand and sixteen and may be cited as the Birmingham City Council (Off-Street Parking Places) (Pay on Foot) Order 2016.

**Interpretation**

2. (a) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Authorised Officer" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

"Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Car Club Vehicle" means a vehicle authorised by the Council as a Car Club Vehicle and which is being used in accordance with the Council's terms and conditions at the point in time at which the Car Club Vehicle is parked in a Parking Place in accordance with Article 3(c)(vi);

"Card Dispenser" means apparatus designed to issue a Parking Card at the entrance to the Parking Place;

"Card Reader" means apparatus designed to read the electronic information stored on Parking Cards, Pre-payment Cards, Season Parking Cards and Period Parking Cards;

"Charging Hours" means any period specified in Part I of Schedule One to this Order;

"Disabled Person's Vehicle" means a vehicle being used by a disabled person and which is displaying a valid Disabled Person's Badge in accordance with Article 2 of Schedule Two and Article 2 of Schedule Three to this Order;

"Disabled Person's Badge" means a badge which:—

- (a) was issued, or has effect as if issued, to a disabled person or an institution under the Badges Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and

(b) has not ceased to be valid;

"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;

"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;

"Invalid Carriage" has the same meaning as defined in Section 136 of the Act;

"Motor Car" has the same meaning as defined in Section 136 of the Act;

"Motor Cycle" has the same meaning as defined in Section 136 of the Act;

"Motor Vehicle" has the same meaning as defined in Section 136 of the Act;

"Owner" has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004;

"Parking Bay" means any area of a Parking Place which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place;

"Parking Card" means a device issued to the Driver of a vehicle which is encoded with the date and time at which it was issued;

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

"Parking Place" means any area of land specified by name in Column 1 in Section C of Part I of Schedule One provided under Section 32(1) of the Act for use as a Parking Place;

"Pay And Display Ticket" means a Pay And Display Ticket issued by a Ticket Machine located in the Parking Place in which the vehicle has been parked on payment of a charge as specified in Part II of Schedule One and in accordance with the provisions of this Order;

"Payment Machine" means apparatus designed to indicate the parking fee due upon insertion of the Parking Card, Pre-payment Card, Season Parking Card or Period Parking Card and to accept payment in respect of the fee due, returning the Parking Card, Pre-payment Card, Season Parking Card or Period Parking Card validated to enable exit from the Parking Place;

"Penalty Charge Notice" means a notice issued and fixed to a vehicle by or on behalf of the Council in relation to a contravention of one of the provisions of this Order;

"Period Parking Card" means a device or card issued at the discretion of the Council that will allow parking for a period determined by the Council at the time the Period Parking Card is issued;

"Permit" means a permit issued by the Council for the purpose of parking a specified vehicle in a Parking Bay designated for use by holders of a Permit;

"Police Vehicle" means a vehicle being used in pursuance of police duties;

“Pre-payment Card” means a device issued by the Council that has been credited with a monetary value and can be used to pay for parking at a Payment Machine or a Ticket Machine;

“Recharging Post” means a device designed for the recharging of Electric Vehicles;

“Season Parking Card” means a device issued by the Council that will allow parking for a period of months such period being determined by the Council at the time the Season Parking Card is issued;

“Season Ticket” means a ticket issued by the Council that will allow parking for a period of months such period being determined by the Council at the time the Season Ticket is issued;

“Ticket Machine” means apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of a charge and the date and time at which the charge was paid;

- (b) Parts I, II, IV and V of this Order and Sections A and B of Part I of Schedule One to this Order shall apply at all times but Section C of Part I of Schedule One and Parts II and III of Schedule One of this Order shall only apply during the Charging Hours. Either Schedule Two or Schedule Three will apply during the Charging Hours as determined in accordance with Part III of this Order.
- (c) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (d) The City of Birmingham District Council (Off-Street Parking Places) (Pay on Foot) Order 2009 is hereby revoked.



## **PART II**

### **USE OF PARKING PLACES**

3. (a) Each Parking Place may be used, subject to the following provisions of this Order, as a Parking Place for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that Parking Place in Schedule One.
- (b) Where in Part I of Schedule One a Parking Place is described as available for vehicles of a specified class and such vehicles are permitted to wait in a specified position, the Driver of a vehicle shall not permit the vehicle to wait in that Parking Place unless it is of the class and in the position so specified.
- (c) (i) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for a Disabled Person's Vehicle, the Driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Disabled Person's Vehicle.
- (ii) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for Motor Cycles, the Driver of a vehicle shall not permit the vehicle to wait in that Parking Bay unless it is a Motor Cycle having two wheels and not having a sidecar attached.
- (iii) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for the holders of a Permit, the Driver of a vehicle shall not permit the vehicle to wait in that Parking Bay unless the vehicle is displaying the relevant Permit for that Parking Bay in accordance with Article 5.
- (iv) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for an Electric Vehicle, the Driver of a vehicle shall not permit it to wait in that Parking Bay unless it is an Electric Vehicle left during the process of actively recharging with electricity via the recharging lead while connected to the Recharging Post relating to that Parking Bay.
- (v) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for a Police Vehicle, the Driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Police Vehicle.
- (vi) Where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for a Car Club Vehicle, the Driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Car Club Vehicle.
- (vii) Where, within a Parking Place, there is a restricted area marked with a yellow hatched surface marking, the Driver of a vehicle shall not permit the vehicle to wait on the area so marked.

- (viii) Where in the Parking Place it is indicated by notice for the time being erected by the Council that parking is not permitted in the Parking Place or in a specified Parking Bay within the Parking Place between specified times on specified dates, the Driver of a vehicle shall not permit the vehicle to wait in the Parking Place or the specified Parking Bay within the Parking Place between the specified times on the specified dates.
- (d) In so far as a vehicle is left in a Parking Place during the Charging Hours the Driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.
- (e) No person other than a person authorised by the Council, the Driver of or a passenger in a vehicle parked or intended to be parked in a Parking Place, or other person authorised by such Driver or passenger shall enter such Parking Place for any purpose whatsoever.
- (f) (i) An Authorised Officer 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 it is considered that such suspension is reasonably necessary.
- (ii) Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Article 3(f)(i) 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 sign indicating that waiting by vehicles is prohibited.
- (iii) 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 sign placed in pursuance of Article 3(f)(ii).

## PART III

### CHARGES, PAYMENT AND DISPLAY OF PERMIT, PAY AND DISPLAY TICKET, SEASON TICKET AND SEASON PARKING CARD

4.
  - (a) At any one time either the provisions of Schedule Two ("Pay on Foot Articles") or the provisions of Schedule Three ("Pay and Display Articles") shall apply.
  - (b) The Council shall determine whether the Pay on Foot Articles or the Pay and Display Articles shall apply and this shall be indicated on a notice in the Parking Place.
  - (c) The Council shall give notice (posted within the Parking Place) of any change to the arrangements determined in accordance with this Article.
  
5.
  - (a) Where a Driver parks a vehicle in a Parking Place and is the holder in respect of that vehicle of a current Permit issued for parking in a Parking Bay designated for use by holders of a Permit, he shall display the Permit as follows:-
    - (i) Where the vehicle is fitted with a front glass windscreen, facing forward behind the glass of such windscreen: or
    - (ii) Where the vehicle is not fitted with a front glass windscreen, on the nearside of the vehicle not more than six feet and not less than two feet six inches above the surface of the Parking Place.
  - (b) The Permit referred to in this Article shall be so displayed that all information recorded on the front of the Permit is clearly legible to a person standing at the front nearside of the vehicle and the Driver of the vehicle shall ensure that the said Permit remains so displayed whilst the vehicle remains in the Parking Place.
  - (c) No person, other than the Driver of the vehicle, shall remove such Permit from the vehicle unless authorised to do so by the Driver.
  
6. Where a Penalty Charge Notice has been attached to a vehicle, no person other than the Driver of the vehicle or an Authorised Officer, shall remove the notice from the vehicle unless authorised by the Driver.



## **PART IV**

### **OTHER PROVISIONS**

7. The Driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is in a Parking Bay in the Parking Place, and shall not start the engine except when about to change the position of the vehicle in the Parking Place or to depart from the Parking Place.
8. Unless authorised in writing by the Council no person shall use a vehicle or anything towed by a vehicle when it is within a Parking Place, to offer for sale any goods or other article including a vehicle to persons in or near the Parking Place or offer for sale or hire his or her skill or services or for the purpose of any exhibition, or for plying for hire. No notices or advertising material of any description shall be placed by any person on vehicles parked within the Parking Place except as authorised by the Council.
9. No person shall use any part of a Parking Place or any vehicle left in a Parking Place:—
  - (a) for sleeping or cooking; or
  - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.
10. The Driver of a vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in the Parking Place or to depart from the Parking Place.
11. No person shall play a game in a Parking Place so as to be a nuisance, annoyance or a danger to themselves or other users thereof, nor shall any pedal cycles be taken or ridden therein, except where the Council provides storage for pedal cycles there.
12. In a Parking Place no person shall:—
  - (a) Erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written authority of the Council.
  - (b) Light or cause or permit to be lit any fire.
13. The Driver of any vehicle in a Parking Place shall comply with any instructions given, whether orally by an Authorised Officer, by direction signs whether erected or by surface markings or in any other manner as to the route to be followed within the Parking Place.
14.
  - (a) A Driver shall not park a vehicle on any space indicated by appropriate markings as being reserved for official use.
  - (b) In the absence of surface markings, signs or otherwise in any Parking Place, a Driver of a vehicle using such Parking Place shall park the vehicle as directed by an Authorised Officer.
15. If a vehicle is left in a Parking Place in a position other than in accordance with the Articles 3 and 14, an Authorised Officer may alter or cause to be altered the position of the vehicle so that it complies with those Articles.

16. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order, an Authorised Officer or any person acting on the instructions of an Authorised Officer, may remove the vehicle or arrange for it to be removed from that Parking Place and shall provide for its safe custody.
17. In an emergency, an Authorised Officer or a police constable in uniform may alter or cause to be altered the position of a vehicle in a Parking Place or remove or arrange for the removal of a vehicle from a Parking Place.
18. Any person altering, or causing the alteration of, the position of a vehicle by virtue of Article 15 or 17, or removing, or causing the removal of, a vehicle by virtue of Articles 16 or 17 of this Order, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
19. Any person removing or arranging for the removal of a vehicle by virtue of Articles 16 or 17 shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
20. Where the Driver of a vehicle is alleged by the Council to have failed to comply with this Order, the Owner of the vehicle and any other person shall if requested by an Authorised Officer give such information as he is able as to the identity and whereabouts of the Driver.
21. Any expenses incurred by the Council in removing a vehicle from by virtue of Articles 16 or 17 or in making arrangements for the safe custody of the vehicle by virtue of Article 19 shall be recoverable by the Council from the Owner of the vehicle.



## **PART V**

### **DISPOSAL OF VEHICLES REMOVED FROM A PARKING PLACE**

22. The Council may as respects a vehicle which has been removed from a Parking Place in pursuance of Part IV of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the Owner of the vehicle.

**SCHEDULE ONE**  
**PART I**

**A. POSITION IN WHICH VEHICLE MAY WAIT**

Parking Bay

**B. CLASSES OF VEHICLES FOR WHICH PARKING PLACE IS AVAILABLE**

Motor Cycles, Motor Cars, Invalid Carriages and Motor Vehicles constructed or adapted solely for the purpose of carrying goods, but not exceeding 3,500 kilograms unladen weight.

**C. PARKING PLACES, DAYS OF OPERATION OF PARKING PLACE, HOURS OF OPERATION OF PARKING PLACE AND MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT**

**Parking Places Operational Monday to Sunday excluding 25th  
December**

<b>NAME OF PARKING PLACE</b>	<b>HOURS OF OPERATION OF PARKING PLACE</b>	<b>MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT</b>
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Town Hall Multi-storey Car Park	00:01 hours to midnight	24 hours
Millennium Point Multi-storey Car Park	00:01 hours to midnight	24 hours

## **SCHEDULE ONE**

### **PART II**

#### **SCALE OF PARKING CHARGES APPLICABLE DURING THE HOURS OF OPERATION FOR PARKING PLACES SPECIFIED IN PART I OF SCHEDULE ONE**

#### **A. PARKING CHARGE:**

##### **(i) Millennium Point Multi-storey Car Park**

HOURS	Up to and including  1 hour	More than 1 hour and up to and including  2 hours	More than 2 hours and up to and including  3 hours	More than 3 hours and up to and including  4 hours	More than 5 hours and up to and including  6 hours	More than 6 hours and up to and including  24 hours
CHARGE Monday to Saturday After midnight to before 18:00 hrs	£1.40	£2.60	£3.50	£4.20	£4.90	£5.80
Evenings Monday to Saturday After 18:00 hrs to before midnight	£1.40*	£2.60*	£3.50*	£3.50*	£3.50*	£5.80
Sunday	£1.40*	£2.60*	More than 2 hours = £3.50*			

\*Parking Charge for the period indicated up to midnight.

An additional charge of £10.50 will be incurred by the Driver for the replacement of lost or damaged Parking Cards.

##### **(ii) Town Hall Multi-storey Car Park**

HOURS	Up to and including  1 hour	More than 1 hour and up to and including  2 hours	More than 2 hours and up to and including  3 hours	More than 3 hours and up to and including  4 hours	More than 5 hours and up to and including  6 hours	More than 6 hours and up to and including  24 hours
CHARGE Monday to Saturday After midnight to before 18:00hrs	£1.40	£2.70	£3.90	£5.20	£8.00	£11.60
Evenings Monday to Saturday After 18:00 hrs to before midnight	£1.40*	£2.70*	£3.50*	£3.50*	£3.50*	£11.60
Sunday	£1.40*	£2.70*	More than 2 hours = £3.50*			

\*Parking Charge for the period indicated up to midnight.

An additional charge of £14.40 will be incurred by the Driver for the replacement of lost or damaged Parking Cards.



## **B. CHARGE FOR A PERIOD PARKING CARD**

The charge for a Period Parking Card for use in a Parking Place shall be calculated by multiplying the parking charge for the maximum period of stay in relation to that Parking Place, as set out in this Schedule, by the number of days that the Period Parking Card is to be valid.

## **C. CHARGES WHICH ARE ADDITIONAL TO THE PARKING CHARGE WHEN MAKING PAYMENT BY PARKING PAYMENT DEVICE IN ACCORDANCE WITH ARTICLE 4(a)(i)(b) OF SCHEDULE THREE:**

Additional charge when paying by Parking Payment Device	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 column 3 of Part I of the Schedule)	20p
Charge to end parking time	0p

**SCHEDULE ONE**  
**PART III**

**A SCALE OF SEASON TICKET / SEASON PARKING CARD CHARGES APPLICABLE DURING THE CHARGING HOURS SPECIFIED IN PART II OF SCHEDULE ONE AND THE PARKING PLACES TO WHICH SEASON TICKETS / SEASON PARKING CARDS ARE TO BE ISSUED.**

**i. Millennium Point Multi-storey Car Park**

Valid 07:00 to 19:00 hours – Monday to Friday

Three Calendar Months	£240
Six Calendar Months	£450
Annually	£860

Valid 00:01 to Midnight - Monday to Sunday

Three Calendar Months	£350
Six Calendar Months	£680
Annually	£1190

**ii. Town Hall Multi-storey Car Park**

Valid	<u>07:00 to 19:00 hours</u> <u>Monday to Friday</u>	<u>07:00 to 23:30 hours</u> <u>Monday to Friday</u>
Three Calendar Months	£640	£700
Six Calendar Months	£1275	£1380
Annual	£2400	£2650

Valid 00:01 to Midnight - Monday to Sunday in Exclusive Use Area on Level 1

Three Calendar Months	£820
Six Calendar Months	£1600
Annually	£2800

## **SCHEDULE TWO**

### **PAY ON FOOT**

#### **CHARGES AND PAYMENT**

1. The charges for the parking of vehicles during the Charging Hours in any Parking Place specified in Part I of Schedule One shall be as set out in Part II of Schedule One to this Order PROVIDED THAT where in the Parking Place it is indicated by notice for the time being erected by the Council that a charge lower than the scale of charges in Part II of Schedule One shall be payable, or that no charge shall be payable, then that lower charge shall be payable, or no charge shall be payable, as the case may be.
2. The following vehicles left in a Parking Place shall be exempt from the payment of any charge specified in Part II of Schedule One to this Order provided that the Driver(s) of said vehicles being so exempt have applied for and received a concessionary Season Parking Card:-
  - (a) An Invalid Carriage.
  - (b) A vehicle being used by a disabled person to whom a Disabled Person's Badge has been issued under the Badges Regulations PROVIDED THAT the Disabled Person's Badge is displayed as follows:-
    - (i) In the case of a vehicle fitted with a front windscreen, the badge is exhibited immediately behind the front windscreen on top of the dashboard or facia panel.
    - (ii) In the case of a vehicle not fitted with a front windscreen the badge is exhibited on the front or near side of the vehicle.
    - (iii) In the case of both paragraphs (b)(i) and (b)(ii) of this Article the front of the Disabled Person's Badge (the side displaying the wheelchair-user symbol) is exhibited in a conspicuous position such that the expiry date, issuing office, serial number and all other information recorded on the front of the badge are clearly legible to a person standing at the front nearside of the vehicle.
3.
  - (a) The Owner of a vehicle may on application to the Council purchase a Season Parking Card or Period Parking Card for the charge specified in Part III or Section B of Part II of Schedule One respectively and that Season Parking Card or Period Parking Card shall be valid only in respect of such Parking Place as is specified thereon during the period for which it is issued.
  - (b) The holder of a Season Parking Card or Period Parking Card may surrender a Season Parking Card or Period Parking Card to the Council in accordance with the terms of its issue and shall return a Season Parking Card to the Council in accordance with paragraphs (c), (d) and (e) of this Article.
  - (c) The Council may, by notice in writing served on the holder of a Season Parking Card or Period Parking Card by recorded delivery service to the address stated on the holder's application for the Season Parking Card or Period Parking Card or to that person's last known place of abode, cancel a Season Parking Card or Period Parking Card if it appears to the Council that the Season Parking Card or Period Parking Card has ceased to be valid pursuant to paragraph (e) of this Article or that the conditions subject to which the Season Parking Card or Period Parking Card has been issued have not been observed in accordance with this



Article, and the holder of the Season Parking Card or Period Parking Card shall return the Season Parking Card or Period Parking Card to the Council within 48 hours of the date of receipt of the notice.

- (d) Where a Season Parking Card, Period Parking Card or Pre-payment Card is issued to a person upon receipt of a cheque or a payment by any method other than cash and the cheque or other payment is subsequently dishonoured, the Season Parking Card, Period Parking Card or Pre-payment Card shall immediately cease to be valid and the Council shall by notice in writing served on the person to whom such Season Parking Card, Period Parking Card or Pre-payment Card was issued by recorded delivery service to the address stated on the holder's application for the Season Parking Card, Period Parking Card or Pre-payment Card or to that person's last known place of abode, require that person to return the Season Parking Card, Period Parking Card or Pre-payment Card to the Council within 48 hours of the date of receipt of the notice.
  - (e) Without prejudice to the foregoing paragraphs of this Article, a Season Parking Card or Period Parking Card shall cease to be valid at the expiration of the period specified in the documentation which was issued with the Season Parking Card or Period Parking Card.
4. (a) Where a Driver wishing to park a vehicle in a Parking Place is not the holder, in respect of that vehicle, of a current Season Parking Card, Period Parking Card or Pre-payment Card if issued, the Driver shall obtain a Parking Card from the Card Dispenser prior to entering the Parking Place.
- (b) The Driver of a vehicle left in a Parking Place shall carry the Parking Card with them at all times until the parking charge has been paid and the Parking Card has been surrendered at the exit of the Parking Place in accordance with Article 5 of Schedule Two.
5. (a) Where a Driver wishing to remove a vehicle from a Parking Place is not the holder of a Season Parking Card or a Period Parking Card or the Season Parking Card or Period Parking Card held is not valid for part or all of the time that the vehicle has been parked, immediately prior to removing a vehicle from the Parking Place the Driver shall make payment of the parking charge as follows:
- (i) The Parking Card, Season Parking Card, Period Parking Card or Pre-payment Card shall be inserted into the slot indicated on the Payment Machine.
  - (ii) The parking charge due, as indicated on the display on the Payment Machine shall either:-
    - (a) be debited, from the Pre-payment Card as instructed; or
    - (b) be paid by the insertion of an appropriate coin or coins and /or bank note(s). Where more than one coin or bank note is required, they shall be inserted in the Payment Machine immediately one after the other; or
    - (c) be paid by debiting the parking charge from a bank or building society account following the insertion of a card issued by that bank or building society which is duly authorised to make that payment by the card holder and that bank or building society.

- (iii) Where a Driver attempts to pay the parking charge in accordance with Article 5(ii)(c) but is unable to do so, the Driver shall pay the parking charge in accordance with Article 5(ii)(b).
  - (b) Upon payment of the parking charge the Parking Card, Season Parking Card, Period Parking Card or Pre-payment Card shall be validated and reissued by the Payment Machine.
  - (c) The Driver shall retrieve the Parking Card, Season Parking Card, Period Parking Card or Pre-payment Card which has been validated by the Payment Machine, collect the vehicle and immediately proceed to the exit of the Parking Place.
  - (d) To exit the Parking Place, the driver shall insert into the Card Reader at the exit of the Parking Place, either a valid Season Parking Card or Period Parking Card or a Parking Card, Season Parking Card, Period Parking Card or Pre-payment Card that has been validated at a Payment Machine after payment of the parking charge in accordance with this Article.
6. Except with the written authority of the Council the Driver of a vehicle shall not permit it to wait in a Parking Place for longer than the maximum period permitted for waiting specified in Part I of Schedule One in relation to that Parking Place.
7. Where a Payment Machine at a Parking Place fails to operate, the Driver of any vehicle using any such Parking Place shall make payment of the parking charge at an alternative Payment Machine or pay to the Authorised Officer the parking charge due and exchange the Parking Card for a replacement Parking Card which shall be used to exit the Parking Place in accordance with Article 5(d) of Schedule Two.



## **SCHEDULE THREE**

### **PAY AND DISPLAY**

#### **CHARGES, PAYMENT AND DISPLAY OF PAY AND DISPLAY TICKET, SEASON TICKET AND PERIOD PARKING CARD**

1. The charges for the parking of vehicles during the Charging Hours in any Parking Place specified in Part I of Schedule One shall be as set out in Part II of Schedule One to this Order PROVIDED THAT where in the Parking Place it is indicated by notice for the time being erected by the Council that a charge lower than the scale of charges in Part II of Schedule One shall be payable, or that no charge shall be payable, then that lower charge shall be payable, or no charge shall be payable, as the case may be.
2. The following vehicles left in a Parking Place shall be exempt from the payment of any charge specified in Part II of Schedule One to this Order:-
  - (a) An Invalid Carriage.
  - (b) A vehicle being used by a disabled person to whom a Disabled Person's Badge has been issued under the Badges Regulations PROVIDED THAT the Disabled Person's Badge is displayed as follows:-
    - (i) In the case of a vehicle fitted with a front windscreen, the badge is exhibited immediately behind the front windscreen on top of the dashboard or fascia panel.
    - (ii) In the case of a vehicle not fitted with a front windscreen the badge is exhibited on the front or near side of the vehicle.
    - (ii) In the case of both paragraphs (b)(i) and (b)(ii) of this Article the front of the Disabled Person's Badge (the side displaying the wheelchair-user symbol) is exhibited in a conspicuous position such that the expiry date, issuing office, serial number and all other information recorded on the front of the badge are clearly legible to a person standing at the front nearside of the vehicle.
3.
  - (a) The Owner of a vehicle may on application to the Council purchase a Season Ticket or Period Parking Card for the charge specified in Part III or Section B of Part II of Schedule One respectively and that Season Ticket or Period Parking Card shall be valid only in respect of such Parking Place as is specified thereon during the period for which it is issued.
  - (b) The holder of a Season Ticket or Period Parking Card may surrender a Season Ticket or Period Parking Card to the Council in accordance with the terms of its issue and shall return a Season Ticket or Period Parking Card to the Council in accordance with paragraphs (c), (d) and (e) of this Article.
  - (c) The Council may, by notice in writing served on the holder of a Season Ticket or Period Parking Card by recorded delivery service to the address stated on the holder's application for the Season Ticket or Period Parking Card or to that person's last known place of abode, cancel a Season Ticket or Period Parking Card if it appears to the Council that the Season Ticket or Period Parking Card has ceased to be valid pursuant to paragraph (e) of this Article or that the conditions subject to which the Season Ticket or Period Parking Card has been



issued have not been observed in accordance with this Article, and the holder of the Season Ticket or Period Parking Card shall return the Season Ticket or Period Parking Card to the Council within 48 hours of the date of receipt of the notice.

- (d) Where a Season Ticket, Period Parking Card or Pre-payment Card is issued to a person upon receipt of a cheque or a payment by any method other than cash and the cheque or other payment is subsequently dishonoured, the Season Ticket, Period Parking Card or Pre-payment Card shall immediately cease to be valid and the Council shall by notice in writing served on the person to whom such Season Ticket, Period Parking Card or Pre-payment Card was issued by recorded delivery service to the address stated on the holder's application for the Season Ticket, Period Parking Card or Pre-payment Card or to that person's last known place of abode, require that person to return the Season Ticket, Period Parking Card or Pre-payment Card to the Council within 48 hours of the date of receipt of the notice.
  - (e) Without prejudice to the foregoing paragraphs of this Article, a Season Ticket or Period Parking Card shall cease to be valid on the date specified on the front of the Season Ticket or Period Parking Card.
- 4 (a) (i) Where a Driver parks a vehicle in a Parking Place and is not the holder, in respect of that vehicle, of a current Season Ticket or Period Parking Card that is valid for the time of parking, the Driver shall pay in respect of that vehicle a parking charge as laid down in Part II of Schedule One on the leaving of the vehicle in the Parking Place by either:-
- (a) the insertion into the Ticket Machine of an appropriate coin or coins where more than one coin is required, they shall be inserted into the Ticket Machine immediately one after the other; or
  - (b) the payment of the parking charge and the relevant additional charges set out in Part II of Schedule One, by Parking Payment Device in accordance with any instructions set out on notices in the Parking Place or on the Ticket Machine.
- (ii) Where a Driver in seeking to pay a parking charge inserts into a Ticket Machine a coin or coins which exceeds the charge for a specified number of hours, a Pay And Display Ticket will be issued only for the number of hours, for which the whole of the charge has been paid.
- (b) Any Pay And Display Ticket issued on the payment of the charge referred to in paragraph (a) of this Article shall be displayed as follows:-
- (i) Where the vehicle is fitted with a front glass windscreen, facing forward behind the glass of such windscreen; or
  - (ii) Where the vehicle is not fitted with a front glass windscreen, on the nearside of the vehicle not more than six feet and not less than two feet six inches above the surface of the Parking Place.
- (c) Where a Driver parks a vehicle in a Parking Place and is the holder in respect of that vehicle of a current Season Ticket or Period Parking Card issued by the Council, the Driver shall display that Season Ticket or Period Parking Card on the vehicle in accordance with paragraphs (b)(i) and (ii) of this Article.
- (d) The Pay And Display Ticket, Season Ticket and Period Parking Card referred to in this Article shall be so displayed that the day and time and all other

information recorded on the front of the Pay And Display Ticket, Season Ticket or Period Parking Card are clearly legible to a person standing at the front nearside of the vehicle and the Driver of the vehicle shall ensure that the said Pay And Display Ticket, Season Ticket or Period Parking Card remains so displayed whilst the vehicle remains in the Parking Place.

5. (a) A vehicle must not be left in a Parking Place during the Charging Hours for longer than the period for which payment has been made of 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 Place for longer than the maximum period permitted for waiting specified in Part I of Schedule One in relation to that Parking Place and any vehicle found waiting in such a manner shall be treated as a vehicle parked without displaying a valid Pay And Display Ticket for each and every day thereafter.
6. When any Pay And Display Ticket, Season Ticket or Period Parking Card has been exhibited on a vehicle in accordance with Article 4 of Schedule Three no person, other than the Driver of the vehicle, shall remove such Pay And Display Ticket, Season Ticket or Period Parking Card from the vehicle unless authorised to do so by the Driver.
7. (a) Where a Ticket Machine at a Parking Place fails to issue a Pay And Display Ticket, the Driver of any vehicle using any such Parking Place shall pay the parking charge at an alternative Ticket Machine within the Parking Place.  
(b) Where there is not a functioning Ticket Machine within the Parking Place, the Driver of any vehicle using any such Parking Place shall pay to the Authorised Officer a parking charge in return for a ticket indicating that the parking charge has been paid which shall be treated as being a Pay And Display Ticket for the purposes of Articles 4, 5 and 6 of Schedule Three.
8. Where a Driver attempts to pay the parking charge in accordance with Article 4(a)(i)(b) of Schedule Three but is unable to do so, the Driver shall pay the parking charge in accordance with Article 4(a)(i)(a) of Schedule Three.

GIVEN under the COMMON SEAL OF BIRMINGHAM CITY COUNCIL  
the 22<sup>nd</sup> day of September two thousand and sixteen.

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



130363

*[Signature]*  
Authorised Signatory