

**THE METROPOLITAN BOROUGH OF SOLIHULL  
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING  
PLACES) (RURAL AREA) (CONSOLIDATION) ORDER 2008  
(AMENDMENT NO. 1) ORDER 2011**

The Metropolitan Borough of Solihull in exercise of its powers under sections 1, 2, 4, 32, 35, 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act of 1984”) as amended, and the Traffic Management Act 2004 (“the 2004 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 of 1984, hereby makes the following Order.

**SECTION 1 – PRELIMINARY**

Citation and Commencement

1. This Order shall come into operation of the 1<sup>st</sup> day of April 2011 and may be cited as The Metropolitan Borough of Solihull (Prohibition and Restriction of Waiting and Loading and Parking Places) (Rural Area) (Consolidation) Order 2008 (Amendment No.1) Order 2011.
2. The Metropolitan Borough of Solihull (Prohibition and Restriction of Waiting and Loading and Parking Places) (Rural Area) (Consolidation) Order 2008 Plans including the Key (the “Plans”) are incorporated into this Order.

Interpretation

3. The Interpretation Act 1978 shall apply for the interpretation of this Order. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“Council” means The Metropolitan Borough of Solihull and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any civil enforcement function under the provisions of this Order;

“Clearway” means the Main Carriageway of any of the sides or lengths of roads specified in the Plans where stopping is prohibited during the Restricted Hours provided that the expression Clearway shall not include any Lay-by or any Parking Place;

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

“Civil Enforcement Officer” means a person employed in accordance with Section 76 of Part 6 of the 2004 Act to carry out the functions therein;

“Disabled Person’s Badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Disabled Persons Vehicle” means a vehicle displaying in the Relevant Position a Disabled Persons Badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;

“Driver” in relation to a vehicle waiting in a restricted road or parking place, means the person driving the vehicle at the time it was left in the restricted road or parking place;

“Enactment” means any Enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an Enactment;

“Goods” means Goods of any kind whether animate or inanimate 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 Carrying Vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of Goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

"Hackney Carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

“Hackney Carriage Stand” means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

“Invalid Carriage” has the same meaning as that in S136 of the Act of 1984;

“Key” means the Key attached to the Plans to be read in conjunction with the Plans;

“Lay-by” in relation to a Main Carriageway means any area of a highway at the side of the Main Carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the waiting of vehicles;

“Loading Area” means any of the sides or lengths of roads specified on the Plans where activities other than loading and unloading are prohibited;

“Main Carriageway” means that part of a public highway used primarily for through traffic provided that the expression Main Carriageway shall not include any Lay-by;

“Motor-Cycle” has the same meaning as that in S136 of the Act of 1984;

“No Loading Hours” means in relation to any No Loading Road the hours during which loading and unloading is restricted on the Plans;

“No Loading Road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “No Loading Road” shall not include any Parking Place;

“No Stopping Hours” means in relation to any No Stopping Road the hours during which stopping is restricted on the Plans;

“No Stopping Road” means any of the sides or lengths of roads (including Clearways) specified on the Plans where stopping is prohibited provided that the expression “No Stopping Road” shall not include any Parking Place;

“One-Way Street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

“Owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the Owner at any time it shall be presumed that the Owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“Parking Bay” means an area of a parking place which is provided for the leaving of a motor vehicle of a class specified and indicated by markings in the parking place;

“Parking Disc” has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Parking Place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes;

“Passenger Vehicle” means a motor vehicle (other than a Motor-Cycle or Invalid Carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the Driver) and their effects and not drawing a trailer;

“Pay and Display Ticket Machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the Parking Place;

“Pay and Display Ticket” means a ticket issued by a Pay and Display Ticket Machine relevant to the Parking Place in which a vehicle has been left;

“Permitted Hours” means the periods specified for each Parking Place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

“Penalty Charge” means the charge set by the Council under Section 72 and Section 77 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice and within 28 Days of the issue of that notice;

“Penalty Charge Notice” means a Notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act;

“Prohibited Hours” means in relation to any Prohibited Road the hours during which waiting or loading is prohibited as specified on the Plans;

“Prohibited Road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “Prohibited Road” shall not include any Parking Place;

“Red Route” means the lengths of road specified in the Plans where stopping is prohibited during the restricted hours except where specific activities by vehicles of a specific class are permitted as specified on the Plans;

“Red Route Clearway” means the Main Carriageway of lengths of road specified in the Plans where stopping is prohibited during the Restricted Hours provided that the expression Clearway shall not include any Lay-by or any Parking Place;

“Red Route Bus Stop Clearway” means a length of road within a Red Route Clearway indicated by markings in accordance with the Traffic Signs Regulations

and General Directions 2002 as amended on which there are exemptions for buses to stop;

“Red Route Bus Stand Clearway” means a length of road within a Red Route Clearway indicated by markings in accordance with the Traffic Signs Regulations and General Directions 2002 as amended on which there are exemptions for buses to stand;

“Relevant Position” in respect of:

- (a) a Disabled Person’s Badge and Parking Disc has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle; and
- (c) a Pay and Display Ticket means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;

“Restricted Hours” means in relation to any Restricted Road the hours during which waiting or stopping is restricted as specified on the Plans;

“Restricted Road” means any of the sides or lengths of roads specified on the Plans where waiting or stopping is restricted or specific activities are restricted during the Restricted Hours provided that the expression “Restricted Road” shall not include any Parking Place;

“Telecommunication System” has the same meaning as in the Telecommunications Act 1984 (c.12);

“Universal Postal Service” has the same meaning as in the Postal Services Act 2000;

“Waiver Certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.
5. Any reference in this Order to any Enactment shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent Enactment.

## **SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING**

### Prohibition of Waiting

6. Save as provided in Articles 13 to 19 and 21 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait at any time on any Prohibited Road as specified on the Plans.

### Restriction of Waiting

7. Save as provided in Articles 13 to 19 and 21 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any Restricted Road during the Restricted Hours as specified on the Plans.

### Limited Waiting

8. Save as provided in Articles 13 to 19 and 21 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait on any Restricted Road in respect of which there is specified on the Plans a period during the Restricted Hours in which waiting is allowed,
  - (i) for a period longer than specified on the Plans, or
  - (ii) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

### Loading Areas

9. Save as provided in Articles 13 to 15 and 18 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait during the Restricted Hours in any Loading Area specified on the Plans unless it is of the specified class (if any) and except for the loading or unloading of Goods in connection with adjoining trade or business premises.
10. Where there is specified in the Plans a maximum period during the Restricted Hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a Civil Enforcement Officer or Police Officer in uniform, cause or permit any vehicle to wait on any Loading Area,
  - (a) for a period longer than specified on the Plans, or
  - (b) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

### Restriction on Loading and Unloading

11. Save as provided in Articles 13, 14 and 18 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait for the purpose of enabling Goods to be loaded to or unloaded from the vehicle on any No Loading Road during the No Loading Hours as specified on the Plans.

### Restriction on Stopping

12. Save as provided in Articles 13, 14 and 18 no person shall, except upon the direction of or with the permission of a Police Officer in uniform, cause or permit any vehicle to stop on any No Stopping Road or Clearway during the No Stopping Hours as specified on the Plans.

### Emergencies

13. Nothing in Articles 6 to 12 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road, parking places or Loading Areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

### General Exemptions

14. Nothing in Articles 6 to 12 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or Loading Areas specified therein for so long as may be necessary to enable:
  - (a) 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, shop fitting, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths 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 system,
  - (b) the vehicle, not being a passenger carrying vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
  - (c) the vehicle of the Royal Mail or other Universal Postal Service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
  - (d) in any case where the person in control of the vehicle,
    - (i) is required by law to stop;
    - (ii) is obliged to stop so as to prevent an accident, or
    - (iii) is prevented from proceeding by circumstances outside his/her control;

### Loading and Unloading

15. Nothing in Articles 6 to 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or Loading Areas specified therein for so long as may be necessary to enable Goods to be

loaded to or unloaded from a vehicle (or Goods or merchandise to be delivered or collected).

#### Board and Alight

16. Nothing in Articles 6 to 8 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

#### Parking Place

17. Nothing in Articles 6 to 12 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised Parking Place.

#### Waiver Certificate

18. Nothing in Articles 6 to 12 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or Restricted Road if it is displaying in the Relevant Position a valid Waiver Certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

#### Waiting by Disabled Persons' Vehicle

19. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit a Disabled Person's 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 a Prohibited Road or a Restricted Road for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day):

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

20. Nothing in Article 8 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge to wait on the sides of roads where waiting is permitted:

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

#### Hackney Carriage Stands

21. Nothing in Articles 6 to 8 shall prevent any person from causing or permitting a licensed Hackney Carriage to wait in any duly authorised Hackney Carriage Stand during the period of operation specified on the Plans.
22. No person shall cause or permit a Hackney Carriage to wait on a Hackney Carriage Stand during the period of operation other than for the purpose of plying for hire.

23. No person shall cause or permit any vehicle to wait on a Hackney Carriage Stand outside the period of operation of the Hackney Carriage Stand as specified on the plans.

### **SECTION 3 – RED ROUTES**

24. Save as provided in Articles 33 to 37 no person shall, except upon the direction of or with the permission of a Police Officer in uniform, cause or permit any vehicle to stop on any Red Route or Red Route Clearway, including side roads, during the Restricted Hours as specified on the Plans.

#### Limited Waiting

25. Save as provided in Articles 33 to 37 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait on any length of Red Route in respect of which there is specified on the Plans a period during the Restricted Hours in which waiting is allowed,
- (iii) for a period longer than specified on the Plans, or
  - (iv) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

#### Loading Areas

26. Save as provided in Articles 33 to 37 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait during the Restricted Hours in any length of Red Route specified as a Loading Area on the Plans unless it is of the specified class (if any) and except for the loading or unloading of Goods in connection with adjoining trade or business premises.
27. Where there is specified in the Plans a maximum period during the Restricted Hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a Civil Enforcement Officer or Police Officer in uniform, cause or permit any vehicle to wait on any Loading Area,
- (a) for a period longer than specified on the Plans, or
  - (b) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

#### Waiting by Vehicles Displaying a Disabled Person's Badge or Doctor's Badge

28. Save as provided in Articles 33 to 37 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait during the Restricted Hours in any length of Red Route specified on the Plans as a Parking Place for vehicles displaying a valid Disabled Person's Badge or Doctor's Badge unless it is a Disabled Person's Vehicle or a vehicle displaying in the relevant position a valid Doctor's Badge respectively.
29. Where there is specified in the Plans a maximum period during the Restricted Hours for which waiting by a Disabled Person's Vehicle is permitted, no person shall,

except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait on any Loading Area,

- (a) for a period longer than specified on the Plans, or
- (b) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

#### Hackney Carriage Stands

30. Save as provided in Articles 33 to 37 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait during the Restricted Hours in any length of Red Route specified on the Plans as a Hackney Carriage Stand unless it is a licensed Hackney Carriage.

#### Motor Cycle Bays

31. Save as provided in Articles 33 to 37 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait during the Restricted Hours in any length of Red Route specified on the Plans as a Motor Cycle Parking Bay unless it is a motor cycle.

#### Bus Stops and Bus Stands

32. Save as provided in Articles 33 and 34 no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait on a Red Route Bus Stop or Bus Stand Clearway provided that the vehicle is a bus and the bus is waiting for as long as may be required to enable passengers to board or alight or for operational or training reasons.

In this Article, “operational and training reasons” means:

- (i) to enable passengers to board and alight,
- (ii) to enable crew changes to take place, or
- (iii) to maintain scheduled timetables subject, in the case of a Red Route Clearway, to a maximum of 2 minutes,

### **Red Route Exemptions**

#### Waiver Certificate

33. Nothing in Articles 24 to 26, 28 and 30 to 32 shall prevent any person from causing or permitting a vehicle to wait in any Red Route or Red Route Clearway if it is displaying in the Relevant Position a valid Waiver Certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

#### General Exemptions

34. Nothing in Article 24 to 26, 28 and 30 to 32 shall render it unlawful to cause or permit any vehicle to wait at the edge of the carriageway in a Red Route or on a Red Route Clearway provided that the vehicle is waiting because the Driver is,
- 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. using the vehicle for fire and rescue, ambulance or police purposes;
  - g. using the vehicle in connection with the removal of any obstruction to traffic;
  - h. using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified as a Red Route in the Plans; or
  - i. using the vehicle for the purposes of collecting refuse by or on behalf of the Council.
35. Nothing in Article 24 to 26, 28 and 30 to 31 shall render it unlawful to cause or permit any vehicle to wait at the edge of the carriageway in a Red Route or on a Red Route Clearway provided that the vehicle is a licensed Hackney Carriage and the vehicle is waiting for so long only as may be required to enable a passenger(s) to board or alight the vehicle.
36. Nothing in Article 24 to 26, 28 and 30 to 31 shall render it unlawful to cause or permit any vehicle to wait at the edge of the carriageway in a Red Route or on a Red Route Clearway provided that the vehicle is displaying in the Relevant Position a disabled person's badge and the vehicle is waiting for so long only as may be required to enable a disabled person(s) to board or alight the vehicle.
37. Nothing in Article 24 to 26, 28 and 30 to 32 shall render it unlawful to cause or permit any vehicle to wait at the edge of the carriageway in a Red Route or on a designated Red Route bus stop or bus stand Clearway provided that the vehicle bears the livery of a Universal Postal Service provider and is waiting only for as long as necessary for the purposes of delivery or collection of mail.

#### **SECTION 4 – PARKING PLACES**

##### **Pay and Display Parking Places**

###### Designation of Pay and Display Parking Places

38. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as pay and display Parking Places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
39. No person shall cause or permit any vehicle to wait in a pay and display Parking Place during the Permitted Hours unless it is of the specified class and there is displayed on that vehicle in the Relevant Position a Pay and Display Ticket valid for that time and for that Parking Place.

#### Classes of Vehicles for which Parking Places are designated

40. Subject to the provisions of this Order, Parking Places may be used during the Permitted Hours for the leaving of Passenger Vehicles, Goods Carrying Vehicles, Motor Cycles, Disabled Persons' Vehicles and Invalid Carriages.

#### Maximum period of Waiting

41. Save as provided in Article 75, no person shall cause or permit any vehicle to remain in a pay and display Parking Place for longer than the maximum period specified for that Parking Place and as provided for within Schedule 1 to this Order.
42. Save as provided in Article 75, no person shall cause or permit any vehicle which has been taken away from a Parking Place during the Permitted Hours, to be left again within the period of no return as specified for that location in a pay and display Parking Place in the same road and as provided for in Schedule 1 to this Order.

#### Ticket Machines to be installed at Pay and Display Parking Places

43. The Council will –
- (a) install in such positions at or in the vicinity of a Parking Place as it may think fit such Pay and Display Ticket Machines as are required by this Order for the purposes of that Parking Place; and
  - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a pay and display Parking Place.

#### Payment

44. The Driver of a vehicle using a Parking Place shall, upon leaving the vehicle in the pay and display Parking Place, and on payment of a charge, purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of charges currently in force for the location in which the vehicle is parked as provided for in Schedule 1 to this Order.

#### Means of Payment

45. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the Pay and Display Ticket Machine relative to the pay and display Parking Place in which the vehicle has been left.

#### Display of Ticket

46. The Driver of the vehicle shall
- (i) display the Pay and Display Ticket issued on payment of the charge in the Relevant Position on the vehicle in respect of which it was issued, and
  - (ii) ensure that the Pay and Display Ticket is displayed at all times during the entire period that the vehicle is left in the Parking Place.

#### Validity of Pay and Display Tickets

47. A Pay and Display Ticket is not transferable from one vehicle to another.

48. A Pay and Display Ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the parking ticket machine located in respect of that parking zone and the information printed on the Pay and Display Ticket.

#### Expiry of Parking Period

49. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the Pay and Display Ticket displayed on the vehicle.

#### No Ticket Displayed

50. If at any time while a vehicle is left in a Parking Place no Pay and Display Ticket is displayed on that vehicle in the Relevant Position, it shall be judged that the charge has not been paid.
51. If at the time when a vehicle is left during the Permitted Hours in a Parking Place and the nearest ticket machine is out of order, then a Pay and Display Ticket shall be obtained from another parking ticket machine relative to that parking zone (where provided).

#### Restriction on Removal of Tickets

52. Where a ticket has been attached to a vehicle in accordance with the provisions of Article 48 no person, not being the Driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the Driver.

#### Exemptions from Payment

53. If at the time when a vehicle is left during the Permitted Hours in a pay and display Parking Place and all of the Pay and Display Ticket Machines are out of order, the driver of the vehicle shall be exempt from payment of the charge provided that the vehicle is removed within the maximum period of waiting specified for that Parking Place on the Plans and on street.
54. Any vehicle displaying in the Relevant Position a valid Waiver Certificate shall be exempt from payment of the parking charge provided that the vehicle is being used in accordance with the conditions applying to the said certificate.
55. Any vehicle displaying in the Relevant Position a valid disabled persons badge shall be exempt from payment of the parking charge provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s) and is removed from the Parking Place within the maximum period specified for that location and as provided for in Schedule 1 to this Order.

### **Motor Cycle Parking Places**

#### Designation of Motor Cycle Parking Places

56. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as Motor Cycle Parking Places and

may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.

57. No person shall cause or permit any vehicle to wait in a Motor Cycle Parking Place during the Permitted Hours unless it is a Motor Cycle.

### **Disabled Person's Parking Places**

#### Designation of Disabled Person's Parking Places

58. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as disabled person's Parking Places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
59. No person shall cause or permit any vehicle to wait in a disabled person's Parking Place during the Permitted Hours unless there is displayed on that vehicle in the Relevant Position a valid Disabled Person's Badge and the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

#### Maximum Period of Waiting

60. Other than in an emergency, no person shall cause or permit any vehicle to remain in a disabled person's Parking Place for longer than the maximum period specified for that Parking Place in the Plans.
61. Where as indicated on the Plans there is a limit on the time of stay on a disabled person's Parking Place, the Driver of a vehicle shall upon leaving the vehicle in the disabled person's Parking Place, display in the Relevant Position a Disabled Person's Badge and a Parking Disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said Parking Place within the maximum time specified.
62. Where a period within which a vehicle must not be left again in the disabled person's Parking Place is specified in the Plans, no person shall permit or cause the vehicle to wait again in that Parking Place until the expiry of that specified period.

### **General Conditions in Respect of Parking Places**

#### Manner of Standing in a Parking Place

63. Every vehicle left in a pay and display, disabled person's and permit Parking Place in accordance with the foregoing provisions of this Order shall stand:
- (i) if the Parking Place is in a One-Way Street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
  - (ii) if the Parking Place is not in a One-Way Street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (iii) if parallel to the kerb, so that the distance between the edge of the carriageway and the wheels of the vehicle is not more than 500mm;

- (iv) if at right angles or echelon to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 500mm;
- (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
- (v) so that every part of the vehicle is within the limits of the Parking Bay as marked on the carriageway.

#### Alteration of position of a Vehicle in a Parking Place

64. Where any vehicle is standing in a Parking Place in contravention of the provisions of the preceding Article, a Civil Enforcement Officer or Police Officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### Removal of a Vehicle from a Parking Place

65. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in any part of a Parking Place, he / she may remove or cause to be removed the vehicle from the Parking Place and, where it is so removed, shall provide for the safe custody of the vehicle.

#### Movement of a Vehicle in a Parking Place in an Emergency

66. A Police Officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in a Parking Place and shall provide for the safe custody of the vehicle.

#### Suspension of Use of a Parking Place

67. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider 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 adjacent to the Parking Place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place, the laying, erection, alteration or repair in or adjacent to the Parking Place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
  - (c) for the convenience or occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the Parking Place from or to a depository, another office or dwelling-house;
  - (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.
- 70. A Police Officer in uniform may suspend for not longer than twenty-four hours the use of a Parking Place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 71. Any person or Police Officer suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph (1) or, as the case may be, paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- 72. No person shall cause or permit a vehicle to be waiting in a Parking Place or any part thereof during which such period as the Council or a Police Officer has suspended that Parking Place or part thereof and exhibits notice of such suspension on or near that Parking Place.
- 73. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a Parking Place which has been suspended, which displays in the Relevant Position a valid Waiver Certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Restrictions of the use of Vehicles in a Parking Place

- 74. During the Permitted Hours no person shall use any Parking Place or any vehicle whilst it is in a Parking Place in connection with the sale or offering or exposing for sale any Goods to any person in or near the Parking Place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Providing that nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is a Passenger Vehicle, a Goods Carrying Vehicle, a motorcycle or an Invalid Carriage and the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not wait for such longer period as a Civil Enforcement Officer may approve.

#### Exemptions to Restriction on Waiting by a Vehicle in a Parking Place

- 75. Notwithstanding for foregoing provisions of this Order any vehicle may wait during the Permitted Hours in any part of a Parking Place if the use of that part has not been suspended and if:
  - (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
  - (b) the vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
  - (c) the vehicle is being used for fire and rescue, ambulance or police or, not being a Passenger Vehicle, is being used in the service of a local authority in

pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;

- (d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is waiting –
  - (i) while postal packets addressed to the premises adjacent to the Parking Place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
  - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;
- (f) in any other case the vehicle is waiting for the purpose of delivering or collecting Goods or loading or unloading the vehicle at premises adjacent to the Parking Place in which the vehicle is waiting and the vehicle does not wait for such longer period as a Civil Enforcement Officer may approve.
- (g) the vehicle is displaying a Waiver Certificate issued by the Council valid for that time and that Parking Place and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Placing of Traffic Signs etc.

76. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each Parking Place,
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such Parking Places may be used during the Permitted Hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a Parking Place.

### **SECTION 5 – GENERAL**

#### Waiver Certificate

- 77. The Council may issue a Waiver Certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.
- 78. A Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

### Pedestrian Crossings

79. Nothing in the provisions of this Order 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 Road Traffic Regulation Act 1984.

## **SECTION 6 - CONTRAVENTION OF ORDER**

### Contravention

80. If a vehicle is left in a Parking Place during the Permitted Hours or in any road or length of road in contravention of, or without complying with, the requirements of this Order a contravention shall have occurred and a penalty charge notice shall be payable and/or the vehicle may be removed from that location.

### Penalty Charge Notice

81. In the case of vehicles in respect of which a penalty charge notice may have been incurred, it shall be the duty of the Civil Enforcement Officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
  - (b) the grounds on which the Civil Enforcement Officer believes that a penalty charge is payable in respect of that vehicle;
  - (c) the amount of penalty charge required to be paid;
  - (d) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the penalty charge notice;
  - (e) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
  - (f) that if the penalty charge is not paid before the end of the 28 day period a notice to Owner may be served by the Council on the person appearing to be the Owner of the vehicle; and
  - (g) the address to which payment of the penalty charge must be sent.

### Manner of Payment of Penalty Charge Notice

82. The penalty charge notice shall be paid to the Council within 28 days of the issue of the penalty charge notice either;
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice,
  - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Council office which accepts such payments,
  - (c) by credit card or debit card over the phone using the number specified on the penalty charge notice, or
  - (d) by credit card or debit card through the Council's web site;

Provided that, if the said twenty eight day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 16.00hrs on the next full day on which the said office is open.

83. If the penalty charge notice is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge notice will be reduced by the specified proportion.
84. If the Owner fails to pay the penalty charge notice by the end of the 28 day period, a notice of Owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of Schedule 9 of the 2004 Act.
85. Continuing failure to pay the penalty charge notice may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.

#### Indications as Evidence

86. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 81 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge notice.

#### Restriction on Removal of Notices

87. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 81 no person, not being the Driver of the vehicle, a Police Officer in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

#### Immobilisation

88. If a vehicle is left after a penalty charge notice has been incurred, a Civil Enforcement Officer in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 79 of Part 6 of the 2004 Act and that vehicle shall only be released from the device on payment of the penalty charge notice, or as the case may be reduced penalty charge notice, along with such release fee as may be required by the Council

#### Removal of Vehicle

89. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 65, 66 or 80,
  - (a) he / she shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time; and
  - (c) the provisions of the 2004 Act shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

- 90. Nothing in Articles 64, 65, 66, 80 or 88 shall apply in respect of a vehicle displaying in the Relevant Position a valid Disabled Person's Badge.
- 91. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other Enactment.

**SECTION 7 - REVOCATIONS**

- 92. All Orders relating to the prohibition and restriction of waiting and loading and Parking Places in the Borough of Solihull and made by The Metropolitan Borough of Solihull or their predecessors in title including but not limited to those Orders listed in Schedule 2 and as far as they apply are hereby revoked.

THE COMMON SEAL of )  
 The Metropolitan Borough of Solihull )  
 was hereunto affixed this 1<sup>st</sup> day of April 2011 )  
 in the presence of:- )

**Director of Governance  
 (Solicitor to the Council and Monitoring Officer)**

**SCHEDULE 1  
PAY AND DISPLAY PARKING CHARGES**

**List of streets where charges apply**

There are no streets in this category.

**Charging hours**

Not applicable.

**Tariff**

Not applicable.

**Parking by vehicles displaying a disabled person's badge**

Not applicable.

## SCHEDULE 2 REVOCATIONS

The following Orders and any subsequent amendments made by The Metropolitan Borough of Solihull or its predecessors in so far as they apply to prohibition and restriction of waiting and loading and parking places are hereby revoked and the provisions contained therein shall be deemed to have been included within this Order in its or their entirety.

1	The Metropolitan Borough of Solihull (Prohibition and Restriction of Waiting and Loading and Parking Places) (Rural Area) (Consolidation) Order 2008.	
2	The Metropolitan Borough of Solihull (Newbold Close, Bentley Heath) (Total Prohibition and Restriction of Waiting) Order 2010.	
3	The Metropolitan Borough of Solihull (Westfield Close, Dorridge) (Total Prohibition of Waiting) Order 2010.	
4	The Metropolitan Borough of Solihull (Hanbury Road, Dorridge) (Total Prohibition of Waiting) Order 2010.	
5	The Metropolitan Borough of Solihull (Moorfield Avenue and Culverley Crescent, Bentley Heath) (Total Prohibition and Restriction of Waiting) Order 2010.	
6	The Metropolitan Borough of Solihull (Cheswick Way and Foxland Close, Cheswick Green, Solihull) (Total Prohibition of Waiting) Order 2010.	
7	The Metropolitan Borough of Solihull (Monkspath Hall Road) (Red Route Clearway) Order 2010.	
8	The Metropolitan Borough of Solihull (Mill Lane, Bentley Heath) (Restriction of Waiting) Order 2009.	
9	The Metropolitan Borough of Solihull (Avenue Road, Dorridge and Adjoining Roads) (Total Prohibition and Restriction of Waiting) Order 2008.	
10	The Metropolitan Borough of Solihull (Granville Road, Dorridge) (Restriction of Waiting) Order 2009.	
11	The Metropolitan Borough of Solihull (Widney Close, Bentley Heath) (Total Prohibition and Restriction of Waiting) Order 2008.	
12	The Metropolitan Borough of Solihull (Dickens Heath) (Total Prohibition of Waiting) Order 2008.	