

THE METROPOLITAN BOROUGH OF SOLIHULL
(OFF-STREET PARKING PLACES) (CONSOLIDATION) ORDER 2008
(AMENDMENT NO. 4) ORDER 2011

The Metropolitan Borough of Solihull (hereinafter called “the Council”) in exercise of its powers under Sections 32, 33, 34 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and under the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act, hereby makes the following Order:-

PART I - GENERAL

Commencement and Citation

1. This Order shall come into operation on the 1st day of April 2011 and may be cited as The Metropolitan Borough of Solihull (Off-Street Parking Places) (Consolidation) Order 2008 (Amendment No. 4) Order 2011.

Interpretation

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

“Bank Holiday or Public Holiday” means Good Friday, Easter Monday, the last Monday in May, the last Monday in August, Christmas Day, 26 December, if it is not a Sunday, and 27 or 28 December, when 25 or 26 December is a Sunday, and any other Day designated by the Government as a Bank or Public Holiday;

“Charging Days” means those Days other than Christmas Day and Easter Sunday which are specified in the Schedules for each Parking Place respectively;

“Charging Hours” means the period as specified in the Schedules for each Parking Place respectively;

“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;

“Day” printed on the front of a parking ticket indicates the Day that the Pay and Display Ticket is valid;

“Disabled Person’s Badge” means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person’s Badge;

“Disabled Person’s Vehicle” means a vehicle lawfully displaying a Disabled Person’s Badge;

“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;

“Expiry Time” is the time indicated on the Pay and Display Ticket and is the time by which the vehicle must leave the Parking Place;

“Free and Display Ticket” means a ticket issued by a Ticket Machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council for a free parking period as detailed in the Schedule;

“Goods Vehicle” means a 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 1.85 metres;

“Motor Cycle” refers to a solo Motor Cycle only and excludes any Motor Cycle which has a side-car or trailer, or which has more than two wheels;

“Named Days” means Days named at the time of the initial purchase of the Season Ticket in question and written thereon at that time;

“Owner” means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

“Parking Bay” means an area of a Parking Place which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

“Parking Place” means an area of land as shown on the Plans and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and not closed (in part or in whole) by a Notice erected thereon by authority of the Council;

“Pay and Display Ticket” means a ticket issued by a Ticket Machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as detailed in the Schedule;

“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;

“Relevant Position” means

(a) in respect of a vehicle displaying a Disabled Person’s Badge -

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle

(b) in respect of a vehicle displaying a ticket, Season Ticket or permit -

- (i) in the case of a vehicle which is fitted with a transparent windscreen, the ticket or permit is exhibited on the inside surface of the windscreen so that it is facing forwards and can be easily seen and read from the front of the vehicle; or
- (ii) in the case of a vehicle which is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards not more than 2 metres and not less than 1.75 metres above the surface of the Parking Place in the immediate vicinity;

“Season Ticket” means a ticket purchased from the Council, subject to certain conditions, valid for the period specified on the ticket for use in Parking Places specified in the schedule and indicated on the ticket;

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the Parking Place.

3. Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.
4. 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II - DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land referred to in Schedule 1 may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in Schedules 1 and 2.

Class and Position of Vehicle

7. Where in the Schedule a Parking Place is described as available for vehicles of a specified class of vehicles to be left in a specified location, no person shall permit a vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place,
 - (i) unless it is of the specified class;
 - (ii) unless it is wholly within a marked Parking Bay; or
 - (iii) in a position other than that specified.

Maximum Period of Stay

8. Where in the Schedule a Parking Place is described as available on specified Days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that Parking Place on any Day, during such hours or for any period other or longer than those specified.

Period of No Return

9. Where in the Schedule a Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to wait in that Parking Place on any Day, during such hours within which the vehicle is excluded from waiting in the Parking Place.

Season Ticket

10. Nothing in Articles 8 and 9 shall preclude a vehicle displaying a valid Season Ticket in the Relevant Position from being parked without payment of the daily charge in the

relevant Parking Places specified in the Schedule up to a maximum period of 7 consecutive Days.

Parking Bays

11. Where a Parking Place is marked out with Parking Bays no person shall cause or permit a vehicle to park in any other part of the Parking Place except wholly within a marked Parking Bay.

Disabled Person's Parking Bays

12. No person shall cause or permit a vehicle to park in a Parking Bay marked for disabled persons unless the vehicle displays a Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the badge has been issued.

Motor Cycle Parking Bays

13. No person shall cause or permit a vehicle to park in a Parking Bay marked for Motor Cycles unless the vehicle is a Motor Cycle.

Power to Close or Suspend Parking Places

14. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:
 - (i) from closing the Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside the Parking Place or any part or parts thereof on all Days or on certain Days or during certain parts of Days for use only by particular vehicles or organisations.
15. Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 14 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is suspended and that waiting by vehicles is prohibited.
16. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding Article.

PART III - CHARGES FOR PARKING

Payment

17. The Driver of a vehicle shall pay a parking fee at the level of charge for the period as soon as the charging period applies.
18. The Driver of a vehicle shall pay a parking fee at the level of charge for the period as soon as the charging period applies if a parking fee did not apply when a vehicle was first left in the Parking Place.
19. The Driver of a vehicle using the Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in the Schedule.

Pay on Exit Parking Places

20. Where applicable, the Driver of a vehicle using a pay on exit Parking Place shall, upon arriving at the Parking Place, take a ticket from the machine to establish time of entry and shall, on exit, insert the appropriate fee into the Ticket Machine or pay the attendant on duty or a person nominated by the Council at the entry point, a parking fee at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule.

Pay on Foot Parking Places

21. The Driver of a vehicle using a pay on foot Parking Place shall, upon arriving at the Parking Place, take a ticket from the machine to establish time of entry and shall, immediately before returning to his vehicle, insert the appropriate fee into the Ticket Machine or pay the attendant on duty or a person nominated by the Council at the entry point, a parking fee at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule.

Pay and Display Parking Places

22. The Driver of a vehicle using a pay and display Parking Place shall upon leaving the vehicle in the 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 instructions on the machine and the scale of charges specified in the Schedule.

Means of Payment

23. 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 Ticket Machine situated in that Parking Place or by payment to a person nominated by the Council.

Free and Display Parking Places

24. The Driver of a vehicle using a free and display Parking Place shall upon leaving the vehicle in the Parking Place, obtain a Free and Display Ticket for the period required in accordance with the instructions on the machine and the scale of charges specified in the Schedule.

Display of Ticket

25. The Driver of the vehicle shall:
- (i) display the Pay and Display Ticket issued on payment of the charge or; a Free and Display Ticket in the Relevant Position on the vehicle in respect of which it was issued; and
 - (ii) ensure that a Pay and Display Ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place.

Validity of Pay and Display Tickets and Free and Display Tickets

26. A Pay and Display Ticket or Free and Display Ticket is not transferable from one vehicle to another.
27. A Pay and Display Ticket or Free and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the parking Ticket Machine located in that Parking Place printed on the Pay and Display Ticket.

Expiry of Parking Period

28. The expiry of the period for which the charge or free-stay specified for that Parking Place in the Schedule shall be indicated when there is exhibited on the vehicle a parking ticket and the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time.

No Ticket Displayed

29. If at any time while a vehicle is left in a Parking Place a Pay and Display Ticket is not displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 25, it shall be deemed that the charge has not been paid.
30. If at any time while a vehicle is left in a Parking Place a Free and Display Ticket is not displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 25, it shall be deemed that the ticket has not been obtained.
31. If at the time when a vehicle is left during the permitted hours in a Parking Place on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the said Ticket Machine is out of order, then a ticket shall be obtained from another Ticket Machine (where provided).
32. Where a valid Pay and Display Ticket or Free and Display Ticket can not be obtained or displayed, vehicles may be left in a Parking Place but may not be left for longer than the maximum period of waiting in that Parking Place as specified in the Schedule.

Season Tickets

33. Season Tickets are available at the appropriate fee, for a vehicle of a specific class and for the Parking Places as specified in the Schedule subject to conditions determined from time to time by the Council.
34. The Driver shall abide by the terms stipulated by the Council for the use of the Season Ticket.
35. A Season Ticket is only valid in the Parking Place in respect of which it was issued for the Named Days and up to the date of expiry shown on the Season Ticket.
36. A Season Ticket remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Season Ticket

37. The Driver of the vehicle shall display the Season Ticket in the Relevant Position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the Parking Place during the hours of operation.

Replacement Season Tickets

38. Damaged or lost Season Tickets or Resident Permits will be replaced on application to the Council and on payment of an administration fee as determined from time to time by the Council. The damaged or lost Season Ticket will then immediately become invalid.

Surrender of Season Ticket

39. A holder of an annual Season Ticket on surrendering the ticket shall be entitled to a refund based upon the number of complete months remaining un-expired from the

beginning of the calendar month following the date on which the Council receives the surrendered ticket. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee as determined from time to time by the Council.

Restriction on Removal

40. When a Pay and Display Ticket or Season Ticket or permit has been exhibited on a vehicle in the Relevant Position no person shall remove the Pay and Display Ticket or Season Ticket or permit from the vehicle until the vehicle is removed from the Parking Place.

PART IV - EXEMPTIONS FROM DAILY CHARGES (INCLUDING FREE AND DISPLAY WHERE APPLICABLE)

41. No daily charge shall be payable in respect of;
- (i) a vehicle which displays in the Relevant Position a valid Disabled Person's Badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
 - (ii) a Motor Cycle which is left in a Parking Bay specified for such vehicles;
 - (iii) a vehicle left displaying in a Relevant Position a Season Ticket valid for that time and for that Parking Place; and
 - (iv) a vehicle left displaying in a Relevant Position a Pass or permit issued by the Council valid for that time and for that Parking Place;

Absence of Ticket Machine

42. If at the time when a vehicle is left in a Parking Place shown during the Charging Hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the Driver of that vehicle shall be exempt from paying the daily charge.

PART V - RELOCATION AND REMOVAL OF VEHICLES

Relocation of a Vehicle

43. Where any vehicle is standing in a Parking Place in contravention of the provisions of this Order, or is left in such a manner so as to cause danger or obstruction a Civil Enforcement Officer or a person authorised by the Council may alter or cause to be altered the position of the vehicle.

Removal of a Vehicle

44. Where a Civil Enforcement Officer or a person authorised by the Council 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 a Parking Place he/she may, using such measures as are appropriate, remove or cause to be removed the vehicle from the Parking Place.

Emergencies

45. A Civil Enforcement Officer, a person authorised by the Council or a Police Officer in uniform may, using such measures as are appropriate, move or cause to be moved in

the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place.

Safe Keeping

46. Any person removing a vehicle from a Parking Place under the preceding Articles shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

PART VI - OTHER PROVISIONS

Stop Engine and Apply Brakes

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

Manner of Parking of Trailers

48. The Driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a Parking Place unless they have been disconnected, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the Driver of the leading vehicle shall be deemed to be the Driver of both of the vehicles.

Repair of Vehicles in Parking Places

49. No person shall, while a vehicle is in a Parking Place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the Parking Place.

Vehicle Tax and Insurance

50. No person shall permit any vehicle to wait in a Parking Place:
- (i) unless the vehicle displays a current licence issued in accordance with the provisions of the Vehicle Excise and Registration Act 1994; and
 - (ii) unless there is in relation to the use of the vehicle by the Driver such a policy of insurance as complies with requirements of the Road Traffic Act 1988;

Entry and Exit

51. Where signs are erected or surface markings are laid for the purpose of indicating the entrances to or exits from the Parking Place; or indicating that a vehicle proceed in a specified direction, no person should drive or cause to be driven any vehicle;
- (i) so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit;
 - (ii) in a direction other than that specified, as the case may be; and
 - (iii) In a manner or at a speed so as to cause danger to other users of the Parking Place.

Use of Vehicles and Parking Places

52. No person shall in a Parking Place:

- (i) without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity;
- (ii) sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place;
- (iii) except with the permission or at the direction of a Civil Enforcement Officer or a person authorised by the Council or a police constable in uniform, drive any vehicle other than for the purpose of leaving the vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place or for the purpose of visiting any amenity site in the Parking Place;
- (iv) use any part of the Parking Place or a vehicle in a Parking Place without the express written permission of the Council for;
 - (a) sleeping or camping purposes;
 - (b) cooking purposes;
 - (c) the purpose of washing, valeting or servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place;
- (v) use that Parking Place solely as a means of passage proceeding from one road to another;
- (vi) deposit or leave any vehicle, trailer, or anything which formed part of a vehicle or trailer, or any rubbish, litter or anything with the purpose of abandoning it there.
- (vii) wantonly shout or otherwise make any noise to cause disturbance or annoyance of users of the Parking Place or residents or other occupiers of adjacent premises;
- (viii) act in a manner to cause nuisance or danger to any car park user, resident or other person;
- (ix) erect or cause or permit to be erected, any tent, booth, stand, building or other structure;
- (x) light or cause to be lit a fire; and
- (xi) shall empty or fill the fuel tanks of any vehicle

PART VII - LIABILITIES / PENALTIES

Liability

53. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Council's Parking Places to which this Order applies.

Wilful Damage

54. Any person who interferes with the parking Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of

legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

PART VIII - CONTRAVENTION AND PENALTY CHARGE

Contravention

55. If a vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.

Notice of Penalty Charge

56. In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a Penalty Charge Notice which shall include the following particulars:
- (i) 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;
 - (ii) The grounds on which the Civil Enforcement Officer believes that a Penalty Charge is payable with respect to the vehicle;
 - (iii) The amount of the Penalty Charge which is payable;
 - (iv) 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;
 - (v) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by the specified proportion;
 - (vi) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to the Owner may be served by the Local Authority on the person appearing to them to be the Owner of the vehicle; and
 - (vii) the address to which payment of the Penalty Charge must be sent.

Restriction on Removal of Notices

57. A Penalty Charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge, of the vehicle; and
 - (ii) the Council.

Payment of Penalty Charge

58. The Owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the cash office of the Council within 28 days of the issue of the Penalty Charge OR in cash in person at the said cash office not later than as aforesaid OR by credit card or debit card OR electronically through the Council's web site.

59. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by the specified proportion.
60. If the Owner fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50%.
61. Payment shall be received not later than 1600hrs on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the reduced charge is paid. Provided that if the said 28th or 14th day falls upon a day on which the Council Offices, or other nominated place are closed, the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until 1600 on the next full day on which the Council Offices, or other nominated place are open.

Indications as Evidence

62. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART IX - DISPOSAL OF VEHICLES

Disposal of Vehicles Abandoned in Parking Places

63. The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Articles 44 or 45, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
64. Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the registered keeper of the vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true Owner of the vehicle has identified himself to it.
65. The Council shall, where it is by virtue of Articles 64, 66 and 67, aware of the name and address of a person who it appears may be the Owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.
66. If any person to whom a notice is sent in accordance with paragraph (iii) of this Article informs the Council of the name and address of some other person who he/she alleges may be the Owner of the vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the Owner of the vehicle.
67. Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the

Parking Place is situated enquiring whom that officer considers is the Owner of the vehicle and the address of that person.

68. The Council shall then make such further enquiries as to Ownership as it thinks fit.
69. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
70. In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the Owner of the vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under paragraph (iii) of this Article.
71. Any sums received by the Council on a sale of a vehicle shall, after deducting any sum applied thereabouts by virtue of Article 69, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid to the Council.
72. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART X - REVOCATIONS

Revocations

73. All Orders made by The Metropolitan Borough of Solihull and/or their predecessors in title listed in Schedule 3 are hereby revoked.

THE COMMON SEAL of)
THE METROPOLITAN BOROUGH OF SOLIHULL)
was hereunto affixed this 1st day of April 2011)
in the presence of:-)

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

SCHEDULE 1 - DAYS AND HOURS OF OPERATION

1	2	3	4	5
PARKING PLACE	CLASSES OF VEHICLE	DAYS OF OPERATION	HOURS OF OPERATION	MAXIMUM PERIOD VEHICLES MAY WAIT
Brueton Park Car Park	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Brueton Park Car Park (The Sixthform College Solihull)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Church Hill Car Park	Cars and light goods vehicles only.	All days	All hours.	Any 24 hour period.
Civic Centre Car Park (all areas including upper deck of Church Hill Car Park)	Cars and light goods vehicles only.	Saturdays, Sundays, Public and Bank Holidays and other periods when the Council advertises these areas as being available for public use.	Saturdays, Public and Bank Holidays and other periods when the Council advertises these areas as being available for public use – 0800hrs to 1800hrs.	Any 24 hour period.

			<p>Sundays - 1300hrs to 1800hrs.</p> <p>Night rate applicable on Saturdays only after 1800hrs.</p>	
Dominion Court Car Park	Cars and light goods vehicles only.	All days	All hours.	Any 24 hour period.
Dorridge Shoppers Car Park (adjacent to Forest Court)	Cars and light goods vehicles only.	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p>	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park rear of Aldi)	Cars and light goods vehicles only.	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p>	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park rear of Greswolde PH)	Cars and light goods vehicles only.	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p>	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park rear of Tesco)	Cars and light goods vehicles only.	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p>	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park rear of Natwest Bank)	Cars and light goods	Monday to Saturday	0800hrs to 1800hrs	Any 24 hour period.

	vehicles only.	No time restrictions on Sundays and all official Public and Bank Holidays in England		
Knowle Shoppers Car Park (car park left of Village Hall)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park right of Village Hall)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Knowle Shoppers Car Park (car park rear of Village Hall)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Malvern Park Car Park	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Monkspath Hall Car Park	Cars and light goods vehicles only.	All days	0800hrs to 1800hrs	Any 24 hour period.
Olton Shoppers Short Stay Car Park	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Princes Way Car Park	Cars and	All days.	All hours	Any 24 hour period

	light goods vehicles only.			
Shirley Library Short Stay Car Park	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Shirley Shoppers Car Park (car park rear of Aldi)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Shirley Shoppers Car Park (car park rear of the Bank of Ireland (British Legion))	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Shirley Shoppers Car Park (car park rear of Iceland)	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Tudor Grange (Park) Car Park	Cars and light goods vehicles only.	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England	0800hrs to 1800hrs	Any 24 hour period.
Tudor Grange Leisure Centre Car Park	Cars and light goods vehicles only.	Monday to Sunday	0700hrs to 1800hrs	Any 24 hour period.

SCHEDULE 2 - DAYS AND HOURS OF CHARGING AND SCALE OF CHARGES

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PARKING PLACE	DAYS AND HOURS OF CHARGING	SCALE OF CHARGES
Brueton Park Car Park	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 4 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Brueton Park Car Park (The Sixthform College Solihull)	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Church Hill Car Park	All days All hours	Monday to Saturday: 0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3-4 hours - £4.00 4-5 hours – £4.60 5-6 hours - £5.60 6 hours plus - £8.20 Sunday: 0-1 hours - £1.20

		1-2 hours - £2.30 2-3 hours - £3.10 3 hours plus - £4.00 Night rate: £1.30 per visit Season Tickets – N/A Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Civic Centre Car Park (all areas including upper deck of Church Hill Car Park)	<p>Saturdays, Public and Bank Holidays and other periods when the Council advertises these areas as being available for public use – 0800hrs to 1800hrs.</p> <p>Sundays – 1300hrs to 1800hrs.</p> <p>Night rate applicable on Saturdays only after 1800hrs.</p>	Monday to Saturday: 0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3-4 hours - £4.00 4-5 hours – £4.60 5-6 hours - £5.60 6 hours plus - £8.20 Sunday: 0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3 hours plus - £4.00 Night rate: £1.30 per visit Season Tickets – N/A Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Dominion Court Car Park	All days	Monday to Saturday:

	All hours	0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3-4 hours - £4.00 4-5 hours – £4.60 5-6 hours - £5.60 6 hours plus - £8.20 Sunday: 0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3 hours plus - £4.00 Night rate: £1.30 per visit Season Tickets – N/A Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Dorridge Shoppers Car Park (adjacent to Forest Court)	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Knowle Shoppers Car Park (car park rear of Greswolde PH)	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.

Knowle Shoppers Car Park (car park rear of Tesco)	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 2 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Knowle Shoppers Car Park (car park rear of Natwest Bank)	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 3 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Knowle Shoppers Car Park (car park left of Village Hall)	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 4 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Knowle Shoppers Car Park (car park right of Village Hall)	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 4 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Knowle Shoppers Car Park (car park rear of Village Hall)	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 3 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>

Malvern Park Car Park	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 2 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Monkspath Hall Car Park	<p>All days</p> <p>0800hrs to 1800hrs</p>	<p>Monday to Saturday</p> <p>0-6 hours - £3.00</p> <p>6 hours plus - £3.50</p> <p>Sunday - £1.50 flat rate per visit</p> <p>Night rate – N/A</p> <p>Season Tickets - £700.00 Annual, £175.00 Quarterly, £58.34 Monthly</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Olton Shoppers Short Stay Car Park	<p>Monday to Saturday</p> <p>No time restrictions on Sundays and all official Public and Bank Holidays in England</p> <p>0800hrs to 1800hrs</p>	<p>Free-stay period of 3 hours, no return.</p> <p>Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.</p>
Princes Way Car Park	<p>All days</p> <p>All hours</p>	<p>Monday to Saturday:</p> <p>0-1 hours - £1.20</p> <p>1-2 hours - £2.30</p> <p>2-3 hours - £3.10</p> <p>3-4 hours - £4.00</p> <p>4-5 hours – £4.60</p> <p>5-6 hours - £5.60</p>

		6 hours plus - £8.20 Sunday: 0-1 hours - £1.20 1-2 hours - £2.30 2-3 hours - £3.10 3 hours plus - £4.00 Night rate - £1.30 Season Tickets – N/A Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Shirley Library Short Stay Car Park	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 3 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Shirley Shoppers Car Park (car park rear of Aldi)	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Shirley Shoppers Car Park (car park rear of the Bank of Ireland (British Legion))	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Shirley Shoppers Car Park (car park rear of	Monday to Saturday	Free-stay period of 2 hours, no return.

Iceland)	No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Tudor Grange (Park) Car Park	Monday to Saturday No time restrictions on Sundays and all official Public and Bank Holidays in England 0800hrs to 1800hrs	Free-stay period of 2 hours, no return. Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Tudor Grange Leisure Centre Car Park	Monday to Sunday 0700hrs to 1800hrs	[All of the following charges are subject to a no return within 90 minutes condition]: Monday to Saturday between 0700hrs to 1800hrs (including all Public and Bank Holidays): Up to 3 hours free parking, (a valid 3 hour free-stay ticket must be displayed) Up to 4 hours parking - £4.00 Up to 5 hours parking - £4.60 Up to 6 hours parking - £5.60 Over 6 hours parking - £8.20 Sunday between 0700hrs to 1800hrs: Up to 3 hours free parking, (a valid 3 hour free-stay ticket must be displayed) Over 3 hours parking - £4.00 Unlimited parking for Blue Badge Holders displaying a valid Blue Badge.
Civic Centre Car Park The proposed charges within this Order for the car park defined as the Civic Centre Car Park will apply to the surface car park located around the		

immediate perimeter of the Council House, and the upper deck of the Church Hill Car Park (access from the perimeter of the Council House).

Princes Way Car Park

The proposed charges within this Order for the Princes Way Car Park will only apply when the car park is advertised as being available for public use.

Free-stay Period Car Park Parking Charges

Unless stated otherwise, a parking charge of £15 will be payable for a vehicle parked in excess of the “free-stay” period with a Penalty Charge Notice (PCN) being payable as an excess charge for a vehicle found to be parking in excess of the “free-stay” period without having paid the specified parking charge and/or not displaying a relevant ticket issued by the Council from a designated outlet, the location of which will be displayed by way of a Notice given at the parking place.

Nightly Rate of Charging

The nightly rate of charging applicable to the locations covered by this Order shall apply during the hours of 1800hrs to 0759hrs daily.

Penalty Charge Notices and Levels

Solihull Metropolitan Borough Council in accordance with its powers under Sections 72 and 77 of the Traffic Management Act 2004 (“the 2004 Act”) and in consultation with the Secretary of State for Transport have set the following penalty charges in relation to the designated parking areas. These relate to the Civil Enforcement of On-Street and Off-Street parking contraventions in the Metropolitan Borough of Solihull. The relevant charges are:-

- (i) a penalty charge of £70 on the issue of a Penalty Charge Notice (PCN) for Higher level contraventions and £50 on the issue of a Penalty Charge Notice (PCN) for lower level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 but discounted by 50% if payment is received within 14 days of the issue of the PCN or within 21 days for PCNs issued by post;
- (ii) on the issue of a “Charge Certificate” in accordance with the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 the penalty charge shall be increased by 50%.
- (iii) **The above PCN charges are to take effect on the 31st March 2008.**

SCHEDULE 3 - 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.

The Metropolitan Borough of Solihull (Off-Street Parking Places) (Consolidation) Order 2008 (Amendment No. 3) Order 2011.

The Metropolitan Borough of Solihull (The Sixth Form College, Solihull) (Brueton Park Car Park) (Off-Street Parking Places) Order 2009.
