

**BIRMINGHAM CITY COUNCIL
(YORK ROAD, BRANDWOOD & KINGS HEATH)
(PEDESTRIANISED STREET) ORDER 202***

Birmingham City Council (“the Council”) in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2), and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

1. Commencement and citation

- 1.1 This Order shall come into operation on the xth MONTH Two Thousand and Twenty YEAR and may be cited as the “Birmingham City Council (York Road, Brandwood & Kings Heath LTN) (Pedestrianised Street) Order 202*”.
- 1.2 The On-Street Plan titled “Birmingham City Council (York Road, Brandwood & Kings Heath) (Pedestrianised Street) Order 202*” (referenced L00228-BCC-P1-TRO-004 attached hereto) is incorporated into this Order.

2. Interpretation

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“Access Key” means a key which locks and unlocks the physical bollards that prevent vehicular access to the pedestrian zone.

“Authorised Person” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

“Carriageway(s)” has the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);

“Footway(s)” has the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);

“Highway” means all Carriageways, Footways and Verges;

“Key Holder” means a person, to whom an Access Key has been issued by the Council, (subject to the Terms and Conditions), under the provisions of this Order.

“Motor Vehicle” has the same meaning as in Section 185 of the Road Traffic Act 1988 (as amended);

“Relevant Fee” means in relation to an Access Key, the respective fee which shall be determined from time to time by the Council to be paid by an applicant as indicated on the Terms and Conditions;

“Road” means any length of Highway or any other road to which the public has access, and includes bridges over which a road passes as set out in Section 142 (1) of the Act;

“Terms & Conditions” means the document, issued by the Council to the Key Holder, (as may be updated from time to time); that governs how the Access Keys are to be used, and the limits placed on their use;

“Verge” means any land forming part of a Road that is not a Carriageway or a Footway.

- 2.2 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.3 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 2.4 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.5 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Prohibition of Motor Vehicles

- 3.1 Save as provided in Article 3.2, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any Motor Vehicle to enter or proceed in the length of Road shown as a “Pedestrian and Cycle Zone” on the plan marked “Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) Order 202*” annexed to this Order.
- 3.2 The provisions of Article 3.1 do not apply to any Motor Vehicle being used in connection with any of the purposes specified in (a) to (g) of this Article, provided that the vehicle shall remain in that road for as long as may be reasonably necessary for such purposes and the vehicle is removed from that length of road as soon as practicable following the completion of such purpose, namely;
 - (a) Building, demolition operations or essential maintenance;
 - (b) The maintenance, improvement, cleansing or reconstruction of the said lengths of Road;
 - (c) The laying, erection, alteration, removal or repair in or in land adjacent to the said lengths of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984 (as amended);
 - (d) The service of any local authority, a water authority, a sewerage undertaker or the Environment Agency or their agents in pursuance of

statutory powers or duties in connection with its activities at premises situated on or adjacent to the said road;

- (e) Police, fire and rescue or ambulance emergency duties; and
- (f) A public procession, festival or similar event provided that the prior written consent of the highway authority has been obtained to the said lengths of Road being included in the route to be followed.
- (g) For loading and unloading to frontages, or to access the loading bays to the west of the restriction, with the permission of a Key Holder, who provides access through the bollard with the use of an Access Key, in accordance with the Terms and Conditions.

4. Access Keys

4.1 Application for and issue of Access Keys

4.1.1 The application for an Access Key shall be

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

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

4.1.3 On receipt of an application duly made under Article 4.1.1, the Council may, subject to Article 4.1.2, issue to the applicant an Access Key.

4.1.4 If an Access Key is lost or destroyed, the Key Holder may apply to the Council for the issue to them of another Access Key and the Council, upon being satisfied as to such loss or destruction, shall issue a new Access Key.

4.1.5 The Council may levy a charge for the issue of an Access Key in accordance with the Terms and Conditions.

4.2 Surrender, Cancellation and Validity of Access Keys

4.2.1 A Key Holder may surrender an Access Key to the Council at any time.

4.2.2 An Access Key shall cease to be valid on the occurrence of any one of the events set out in Article 4.2.4 and the Key Holder shall surrender the Access Key which they hold to the Council within 48 hours of the occurrence of the relevant event.

4.2.3 The Council may entirely at its own discretion cancel an Access Key and notify the Key Holder by a notice in writing served on the Key Holder at the address shown by that person on the application for the Access Key or at any other address believed to be that person's place of abode and the Key Holder

shall surrender the Access Key to the Council within 48 hours of the receipt of the aforementioned notice.

4.2.4 The events referred to in Article 4.2.2 are:

- (a) the withdrawal of such Access Key by the Council under the provisions of Article 4.2.3; or
- (b) any other reason specified in the Terms and Conditions;

5. Revocation

5.1 The “Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) Order 2022” is hereby revoked.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the xth of MONTH Two Thousand and Twenty YEAR.

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



Authorised Signatory



TRANSPORT AND CONNECTIVITY
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ



SCHEME

BIRMINGHAM CITY COUNCIL (KINGS
HEATH LOW TRAFFIC NEIGHBOURHOOD)
(TRAFFIC REGULATION ORDER XXXX)



DRAWING

Plan reference: L00228-BCC-P1-TRO-004
Effective date: XXXX

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. B.C.C. Licence No 100021326 Date 2020

DATE	REV	REVISIONS	DRN.	DES.	P.M.
09/2025	T5	Note amended	MD	BCC	AN
08/2025	T4	Note amended	MD	BCC	AN
08/2025	T3	Drawing Number Resequence	AC	BCC	AN
07/2025	T2	Amended Labels	AC	BCC	AN
07/2025	T1	Updated to Movement Restriction	AC	BCC	AN
07/2025	T0	Tender Issue	DAF	BCC	AN
SCALE		STATUS			
1:1250		TENDER			
P.M.		DESIGNER	DRAWN		
AN		BCC	DAF		
DRAWING NO				REV.	
L00228-BCC-P1-TRO-004				T5	
A3 SHEET					