

**BIRMINGHAM CITY COUNCIL  
(BORDESLEY & HIGHGATE)  
(TRAFFIC REGULATION) ORDER 202\***

Birmingham City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2), 32, 35, 45, 46, 49, 53, 101 and 102 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 00<sup>th</sup> of Month Two Thousand and Twenty one and may be cited as the "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*".
- 1.2 The Plan Index titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\* Plan Index" is incorporated into this Order.
- 1.3 The On-Street Plans titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*" (referenced 406285NES Rev C, 407285NES Rev D, 407285NWN Rev C, 407285NWS Rev D, 407285SEN Rev D, 407285SES Rev C, 407285SWN Rev D, 408285NWN Rev D, 408285NWS Rev C, G\_CA-02955\_S1\_5008 Rev, G\_CA-02955\_S1\_5013 Rev A, G\_CA-02955\_S1\_5016 Rev A, attached hereto) are incorporated into this Order.
- 1.4 The Permit Area Plan titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*" (referenced CA-03125\_S1\_021 attached hereto) is incorporated into this Order.
- 1.5 The Charge Schedule titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\* Charge Schedule" (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:

"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;

"Bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

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

"Bus Stand" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1 in Schedule 7 to The Traffic Signs Regulations and General Directions 2016 and which includes the words "BUS STAND";

"Bus Stop" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1 in Schedule 7 to The Traffic Signs Regulations and General Directions 2016 and which includes the words "BUS STOP";

"Business" means a business whose principal business address is located on any Road or part of a Road contained within the boundary of Zone A or B as indicated on the Permit Area Plan;

"Business Permit" means a permit issued by the Council to a Business under the provisions of this Order and used in accordance with the Council's terms and conditions;

"Car Club Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a vehicle which displays in the Relevant Position a Car Club Permit;

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

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

"Central Reservation(s)" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"Charge Schedule" means the charge schedule titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*" Charge Schedule" incorporated into this Order;

"Civil Enforcement Officer" has the same meaning as that provided in Section 76 of The Traffic Management Act 2004;

"Council" means Birmingham City Council and its successors as highway authority;

"Disabled Person's Badge" and "Parking Disc" have the same meaning as in Regulation 3 (1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Disabled Person's Parking Place" means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a vehicle which displays in the Relevant Position a Disabled Person's Badge;

"Disabled Person's Vehicle" has the same meaning as in Section 142 of the Act;

"Driver" means the person driving or having control or charge of the vehicle at any given time and in particular, in relation to a vehicle waiting, the person driving at the time it was left;

"Duplicate Permit" means a Permit issued under the provisions of this Order to replace a Permit that has been lost, destroyed, mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise;

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

"Family Carer Permit" means a Permit issued to a Resident under the provisions of Article 8.1.3;

"Goods" means goods or burden of any kind and includes postal packets of any description; and delivering and collecting in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

"Goods Vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of Goods or burden of any description;

"Highway" means all Carriageways, Footways, Central Reservations and verges;

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

"Limited Waiting Parking Place" means a part of a Road designated by this Order for the use, during specified times, as a Parking Place which is indicated by a period of 'limited waiting' on the On-Street Plans;

"Loading" includes loading and unloading where appropriate;

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

"On-Street Plans" means the plans titled "Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*" (referenced (referenced 406285NES Rev C, 407285NES Rev D, 407285NWN Rev C, 407285NWS Rev D, 407285SEN Rev D, 407285SES Rev C, 407285SWN Rev D, 408285NWN Rev D, 408285NWS Rev C, G\_CA-02955\_S1\_5008 Rev, G\_CA-02955\_S1\_5013 Rev A, G\_CA-02955\_S1\_5016 Rev A, attached hereto) incorporated into this Order;

"Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

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

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

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

"Parking Place with Payment" means a Parking Place identified in Article 6.7;

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

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

“Permit” means where the context permits the various types of Permit identified in Article 2.3 that are issued by the Council and contains an alphanumeric identifier relating to the Parking Places where that Permit can be used and are used in accordance with its terms and conditions;

“Permit Area Plan” means the plan titled “Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\*” and referenced CA-03125\_S1\_021 (attached hereto) is incorporated into this Order;

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

“Permit Parking Place” means a part of a Road identified as such on the On-Street Plans for use as a Parking Place in accordance with the provisions of this Order;

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

“Plan Index” means the (sealed) sheet titled as “Birmingham City Council (Bordesley & Highgate) (Traffic Regulation) Order 202\* Plan Index”, in this Order that records the On-Street Plans and Permit Area Plan that are current for the purposes of interpretation of this Order;

“Relevant Fee” means in relation to a Permit the respective fee which shall be determined from time to time by the Council to be paid by an applicant;

“Relevant Position” means:

- (a) for the display of a Permit, that the Permit is displayed on the inside the front windscreen of the vehicle, where the vehicle is fitted with a front windscreen, or in a conspicuous position on the vehicle so that, in either case, all the information recorded on the front of the Permit is legible and clearly visible to a person standing at the front or nearside of the vehicle and the Permit shall be displayed for the whole time that the vehicle remains in the Parking Place;
- (b) for the display of a Disabled Person’s Badge or Parking Disc, that the Disabled Person’s Badge or Parking Disc is displayed as stated in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, and shall be displayed for the whole time that the vehicle remains on that length of road;

“Resident” means a person whose principal residential address is located on any Road or part of Road contained within the Zone as indicated on the Permit Area Plan;

“Resident Permit” means a permit issued by the Council to a Resident under the provisions of this Order and used in accordance with the Council’s terms and conditions;

“Resident Permit Parking Place” means a part of a Road identified as such on the On-Street Plans for use as a Parking Place by a vehicle displaying in the Relevant Position a Permit in accordance with the provisions of this Order;

“Resident Visitor Permit” means a Permit issued by the Council under the provisions of this Order to a Resident and which Permit is to be used by a visitor, who is recognised by that Resident, for the purpose of visiting that Resident and used in accordance with the Council’s terms and conditions;

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

“Service Charge(s)” means a charge which may be payable to the Service Provider in addition to the Parking Charge payable in accordance with the provisions of Article 6.13.1 for vehicles using the Telephone Payment Parking System;

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

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

“Traffic Regulation Order Boundary” means the boundary identified as such on the On-Street Plans;

“Traffic Sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

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

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

“Zone A” and “Zone B” means the zones identified as such on the Permit Area Plan.

- 2.2 Where the context so permits all references in this Order to a “Parking Place” shall include reference to a Car Club Parking Place, Disabled Person’s

Parking Place, a Limited Waiting Parking Place, a Parking Place With Payment, Resident Permit Parking Place, Business Permit Parking Place or a Loading Bay.

- 2.3 Where the context permits all references in this Order to:
- (a) "Residents Permit" shall include reference to a Resident Permit, a Resident Visitor Permit, a Family Carer Permit or a Duplicate Permit;
  - (b) "Business Permit" shall include reference to Business Permit or a Duplicate Permit;
  - (c) "Permit" shall include reference to a Resident Permit, Family Carer Permit, Business Permit, Resident Visitor Permit, Business Visitor Permit and Duplicate Permit.
- 2.4 Where a Permit has been displayed on a vehicle in the Relevant Position no person, not being the Permit Holder, shall remove the Permit from the vehicle unless authorised to do so by the Permit Holder.
- 2.5 The prohibitions and restrictions of waiting and the prohibitions of stopping imposed by this Order shall also apply to the Footways, Central Reservations and verges contiguous to the various parts of Road referred to in this Order unless otherwise shown on the On-Street Plans.
- 2.6 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.7 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 2.8 Save as provided in Articles 2.9 and 2.10 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 (except any Order made under Section 14 of the Act), then the provision of this Order shall prevail.
- 2.9 Nothing in Article 2.8 shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act.
- 2.10 Insofar as any provision contained in this Order conflicts with a provision which is contained in Schedule 7 Part 6 Paragraph 1 to the Traffic Signs Regulations and General Directions 2016 then the provision contained in the said paragraphs of the said Regulations shall prevail.
- 2.11 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 2.12 The Order listed in Schedule 1 is varied to the extent that it conflicts with the restrictions shown on the On-Street Plans.

### 3. **Prohibition and Restriction of Waiting**

3.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'no waiting' is indicated, then, subject to the provisions of Articles 3.2, 3.3, 3.4, 3.4.1, 3.5 and 3.6 no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road.

3.2 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:

- (a) to enable a person to board or alight from the vehicle;
- (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;
- (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
- (d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker or a sewerage undertaker or the Environment Agency or their agents in pursuance of statutory powers or duties;
- (e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
- (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
  - (1) building, industrial or demolition operations;
  - (2) the removal of any obstruction to traffic;
  - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
  - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

3.3 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary to enable Goods to be loaded on to



or from the vehicle except for any period indicated on the On-Street Plan when Loading is not permitted in that part of the Road.

#### Exceptions for vehicles displaying a Disabled Person's Badge

- 3.4 Where a period of 'no waiting' indicated on the On-Street Plans exceeds three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person's Badge and a Parking Disc (on which the Driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the lengths of Road or on the sides of the Road referred to in that Article for a period not exceeding three hours, not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same lengths or on the same sides of Road on the same day provided that such period lies entirely outside any "no loading" period specified for that length of Road.
- 3.4.1 Where a period of 'no waiting' indicated on the On-Street Plans does not exceed three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person's Badge to wait in the lengths of Road or on the sides of the Road referred to in that Article provided that such period lies entirely outside any "no loading" period specified for that length of Road.
- 3.5 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a Bus to wait on a Bus Stop or Bus Stand.
- 3.6 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a Licensed Taxi to wait on a Taxi Rank.

#### 4. **No Stopping Controls**

- 4.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'no stopping' is indicated, then, subject to the provisions of Article 4.2 no person shall cause or permit any vehicle to stop during that period in that part of the Road.

##### Exemptions to 'no stopping' controls

- 4.2 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to stop in the lengths of Road or on the sides of Road referred to therein if:
- (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) the vehicle is being used for police, ambulance or fire brigade purposes;
- (g) the vehicle is being used in connection with the removal of any obstruction to traffic;
- (h) the vehicle is being used in connection with the maintenance, improvement or reconstruction of any part of that Road;
- (i) using the vehicle in connection with the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus;
- (j) the vehicle (other than a Passenger Vehicle) cannot conveniently be used for such purpose in any other Road and is being used in the service of a local authority, a water undertaker, a sewerage undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;
- (k) enabling up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the stopping by these vehicles is reasonably necessary in connection with any wedding or funeral.

4.2.2 The controls specified in Article 4.1 do not apply to anything done with the permission of an Authorised Person or with the permission or at the direction of a police constable in uniform or a Civil Enforcement Officer.

## **5. Limited Waiting**

5.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'limited waiting' is indicated then, subject to the provisions of Articles 5.2, 5.3, 5.4 and 5.5, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road:

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

5.2 Nothing in Article 5.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:

- (a) to enable a person to board or alight from the vehicle;
- (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;
- (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
- (d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;
- (e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
- (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
  - (1) building, industrial or demolition operations;
  - (2) the removal of any obstruction to traffic;
  - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
  - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

Exceptions for vehicles displaying a Disabled Person's Badge

5.3 Nothing in Article 5.1 shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Person's Badge, to wait in that length of Road.

5.4 The restrictions specified in Article 5.1 shall not apply to a person causing or permitting a Bus to wait on a Bus Stop or Bus Stand.

5.5 The restrictions specified in Article 5.1 shall not apply to a person causing or permitting a Licensed Taxi to wait on a Taxi Rank.

## **6. Parking Places**

- 6.1 Where a part of a Road on the On-Street Plans is identified as a Permit Parking Place then subject to the provisions of this Order, no person except upon the direction of a police constable in uniform or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Permit Parking Place during its specified hours of operation unless:
- a) it is a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; and
  - b) the vehicle is displaying a valid Permit in the Relevant Position and that Permit is so displayed for the whole time that the vehicle remains in the Permit Parking Place; and
  - c) that Permit contains an alphanumeric identifier the same as that contained in the Traffic Signs for that Permit Parking Place.
- 6.2 Where any part of a Road shown on the On-Street Plans is identified as a Disabled Person's Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Disabled Person's Parking Place during its specified hours of operation unless it is a vehicle displaying a Disabled Person's Badge in the Relevant Position and the Disabled Person's Badge is so displayed for the whole time that the vehicle remains in the Disabled Person's Parking Place.
- 6.3 Where any part of a Road shown on the On-Street Plan is identified as a Car Club Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Car Club Parking Place during its specified hours of operation unless it displays a Car Club Permit in the Relevant Position and that Car Club Permit is so displayed for the whole time that the vehicle remains in the Car Club Parking Place.
- 6.4 Where any part of a Road shown on the On-Street Plans is identified as a Loading Bay, then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Loading Bay other than during the process of Loading.
- 6.5 Where, in relation to a Loading Bay shown on the On-Street Plans, a permitted period for loading / unloading is indicated, then, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period:
- (a) for longer than the maximum period of waiting specified for that Loading Bay;
  - (b) if a period of less than the no return interval specified for that Loading

Bay has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of Road.

#### Parking Place With Payment

- 6.6 Each part of a Road identified as such on the On-Street Plans for use as a Parking Place with Payment is designated as a Parking Place With Payment.
- 6.6.1 Parking Place With Payment includes Parking Place With Payment with any duration of maximum stay, as identified on the On-Street Plans.
- 6.6.2 The length and situation of a Parking Space in each Parking Place With Payment shall be as may be determined by the Council.
- 6.6.3 Each Parking Place With Payment may be used, subject to the provisions of this Order, for the leaving during the Permitted Hours of a Passenger Vehicle, Goods Vehicle not drawing a Trailer, Motor Cycle, Invalid Carriage or Disabled Person's Vehicle.
- 6.6.4 The Parking Charges and relevant additional charges for a vehicle left in a Parking Place With Payment shall be as indicated in the Charge Schedule.

#### Payment of Parking Charges, etc.

- 6.7 Save as provided in Articles 6.12, where a Driver parks a vehicle in a Parking Place With Payment, the Driver shall pay on leaving the vehicle in the Parking Place With Payment a Parking Charge and relevant additional charges as specified by Article 6.6.4 by the making of an appropriate payment by using the Telephone Payment Parking System.
- 6.7.1 Where a Driver attempts to pay the Parking Charge in accordance with Article 6.6.4 but is unable to do so, the Driver shall remove that vehicle from that Parking Place With Payment without delay.
- 6.8
  - (a) A vehicle must not be left in a Parking Place With Payment during the Permitted Hours for longer than the period for which payment has been made by the Parking Charge;
  - (b) Except with the written authority of the Council the Driver of a vehicle shall not permit it to wait in a Parking Space in a Parking Place With Payment during the Permitted Hours for longer than the maximum period permitted for waiting specified on the On-Street Plans in relation to that Parking Place and a vehicle found waiting in contravention of this Article shall be treated as a vehicle for which the Parking Charge has not been paid for each and every day thereafter.
- 6.9
  - (a) Payment of the Parking Charge in accordance with Article 6.6.4 for a vehicle left during the Permitted Hours in a Parking Space in a Parking Place With Payment shown on the On-Street Plans shall be indicated by a confirmation message sent to the Driver's Parking Payment Device indicating that the payment has been accepted and confirming the time at which the period for which payment has been made by the Parking Charge will expire.

- (b) The expiry of the period for which the Parking Charge has been paid in accordance with Article 6.6.4 shall be indicated in the electronic record of the Parking Charge payments accepted.
- 6.10 During the Permitted Hours the maximum period that a vehicle may remain in a Parking Space in a Parking Place with Payment on payment of the relevant Parking Charge is as indicated on the On-Street Plans.
- 6.11 No vehicle which has been taken away from a Parking Space in a Parking Place With Payment, after the Parking Charge has been incurred, shall again be left in that Parking Space during the Permitted Hours until the expiration of the 'no return' period indicated on the On-Street Plans.

#### Exemptions from charges

- 6.12 The following vehicles left in a Parking Space in a Parking Place With Payment during the Permitted Hours shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a Parking Place specified in the foregoing provisions of this Order:
- (i) an Invalid Carriage;
  - (ii) a vehicle issued to a disabled person by a department of the United Kingdom Government in lieu of an Invalid Carriage; or
  - (iii) a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge.
- 6.13 Without prejudice to the generality of Article 6.12, a vehicle to which Article 6.13 applies shall stand in the Parking Space in accordance with the provisions of Article 6.21 and wholly within the limits of that space.
- 6.14 Nothing in Articles 6.1, 6.2, 6.3, 6.4 or 6.5 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:
- (a) to enable a person to board or alight from the vehicle;
  - (b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;
  - (c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;
  - (d) to enable up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;
  - (e) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage

undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;

- (f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
- (1) building, industrial or demolition operations;
  - (2) the removal of any obstruction to traffic;
  - (3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or
  - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

- 6.15 No charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a Parking Place in accordance with the provisions of Article 6.14.
- 6.16 Nothing in the provisions of Articles 6.14 shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Act.
- 6.17 Every vehicle left in a Parking Place shall so stand so as not to unreasonably prevent access to any premises adjoining the Road, or the use of the Road by other persons, or so as to be a nuisance.
- 6.18 Where a vehicle is left standing in a Parking Place in contravention of the provision of Article 6.17 and Authorised Person may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
- 6.19 Provided that, in the case of any Parking Place referred to in Articles 6.6, where the length of any vehicle, being a Passenger Vehicle, precludes it from standing wholly within the limits of a Parking Space, such vehicle may so stand in that Parking Space, and shall be deemed for the purposes this Article to be wholly within the limits of a Parking Space if -
- (i) the extreme front portion or the extreme rear portion, as the case may be, of the vehicle is within 0.3 metres of the limits of that Parking Space which are indicated on the Carriageway; and
  - (ii) no part of the vehicle is within the limits of any other Parking Space.

#### Power to suspend use of Parking Places

- 6.20 An Authorised Person may suspend the use of any Parking Place or any part thereof for up to seven days and for longer periods with the permission of the Council whenever he considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any Electronic Communications Apparatus or Traffic Sign;
  - (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions.
- 6.21 A police constable in uniform may suspend for not longer than twenty-four hours the use of any Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 6.22 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 6.20 or 6.21 shall thereupon place or cause to be placed in or adjacent to the Parking Place or part thereof the use of which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.
- 6.23 No person shall cause or permit a vehicle to be left in any part of any Parking Place during such period as there is in or adjacent to that part of the Parking Place a Traffic Sign placed in pursuance of Article 6.20 provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in any part of the Parking Place during such period as is referred to therein, or to any other vehicle so left if that vehicle is left with the permission:
- (a) of an Authorised Person;
  - (b) of a police constable in uniform; or
  - (c) of a Civil Enforcement Officer.
- 6.24 The Driver of a vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair except such as may be necessary to enable the vehicle to be removed from the Parking Place.
- 6.25 No person shall use any vehicle, while it is in any Parking Place in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale of his skill in handicraft or his



services in any other capacity provided that nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is a Passenger Vehicle or a Goods Vehicle not exceeding 5 tonnes maximum gross weight left in any Parking Place and the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

- 6.26 A police constable in uniform, a Civil Enforcement Officer or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, vehicles left in any Parking Place.

## **7. General**

- 7.1 When a vehicle is left in a Road in contravention of any of the provisions of this Order, a penalty charge shall be payable. A penalty charge notice showing the information required by The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 may then be issued in accordance with those Regulations by an Authorised Person who, subsequently, may remove or arrange for the removal of the vehicle from that Road.
- 7.2 An Authorised Person removing a vehicle by virtue of Article 7.1 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
- 7.3 When an Authorised Person removes or makes arrangements for the removal of a vehicle from a Road by virtue of Article 7.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 7.4 Any expenses incurred by the Council in removing a vehicle from a Road by virtue of Article 7.2 or in making arrangements for the safe custody of the vehicle by virtue of Article 7.3 shall be recoverable by the Council from the Owner of the vehicle.
- 7.5 The Council may as respects a vehicle which has been removed from a Road in pursuance of Article 7.1, if it appears to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the Owner of the vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978.
- 7.6 Where a penalty charge notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the vehicle, a police constable in uniform or an Authorised Person shall remove the notice from the vehicle unless authorised to do so by the Driver.
- 7.7 The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice.

## **8. Permits**

- 8.1 Particulars to be included on Permits

8.1.1 A Resident Permit shall include the following particulars:

- (a) An identity reference number for the Permit;
- (b) The registration mark of the vehicle in respect of which the permit has been issued;
- (c) The name of the controlled parking zone for which the Permit is issued;
- (d) The date for which the Permit is valid;
- (e) An authentication that the Permit has been issued on behalf of the Council;
- (f) An alphanumeric identifier relating to the Parking Places where that Permit can be used.

8.1.2 A Business Permit shall include the following particulars:

- (a) An identity reference number for the Permit;
- (b) The registration mark of the vehicle in respect of which the permit has been issued;
- (c) The name of the controlled parking zone for which the Permit is issued;
- (d) The date for which the Permit is valid;
- (e) An authentication that the Permit has been issued on behalf of the Council;
- (f) An alphanumeric identifier relating to the Parking Places where that Permit can be used.

8.1.3 A Family Carer Permit shall include the following particulars

- (a) An identity reference number for the Permit;
- (b) The registration marks of two vehicle in respect of which the permit has been issued;
- (c) The name of the controlled parking zone for which the Permit is issued;
- (d) The date for which the Permit is valid;
- (e) An authentication that the Permit has been issued on behalf of the Council;
- (f) An alphanumeric identifier relating to the Parking Places where that Permit can be used.

#### 8.1.4

- (a) Where the Council have issued a Family Carer Permit to a Resident, both vehicles whose registration numbers are included in the permit may be present in a Resident Permit Parking Place or Permit Parking Place for a maximum period of 10 minutes starting from the time at which the second vehicle arrives.
- (b) When the 10 minute period has elapsed, one of the vehicles must display a Resident Visitor Permit in the Relevant Position if both vehicles remain in the Parking Place.

#### 8.1.5 A resident visitor permit shall include the following particulars:

- (a) The registration mark of the vehicle in which the permit is being displayed;
- (b) The name of the controlled parking zone for which the permit is issued;
- (c) The date for which the visitor permit is valid;
- (d) An authentication that the permit has been issued by the Council;
- (e) An alphanumeric identifier relating to the Parking Places where that Permit can be used.

#### Provision of Permits

#### 8.2 Application for a Permit

- 8.2.1 Any Resident within a zone shown on the Permit Area Plan can make an application for a relevant Permit or Visitor Permit for use within that zone in accordance with the Council's terms and conditions.
- 8.2.2 Any Business within a zone shown on the Permit Area Plan can make an application for a relevant Permit or Visitor Permit for use within that zone in accordance with the Council's terms and conditions.
- 8.2.3 The Council may at any time require an applicant for a Permit to provide to an officer of the council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- 8.2.4 On receipt of an application duly made under the provision of Article 8.2.1 the Council upon being satisfied with the evidence provided may issue to the applicant a relevant Permit for parking in a specified Parking Place.
- 8.2.5 The maximum number of Permits issued to individual residents or businesses in a calendar year shall be determined from time to time by the Council.
- 8.2.6 The issue of a Permit shall not be construed as if any part of the Permit Parking Place or Resident Permit Parking Place was reserved solely for the

use of a Permit Holder or that there will be space available for parking a vehicle in Parking Place designated for permit holders

- 8.2.7 The provisions of this Order shall apply to a duplicate Special Permit, and an application therefore as if it were the Special Permit it duplicates.

#### Surrender, Cancellation and Validity of Permits

- 8.3 A Permit Holder may surrender a Permit to the Council at any time;
- 8.3.1 A Permit shall cease to be valid on the occurrence of any one of the events set out in Article 8.3.3 and the Permit Holder shall surrender the Permit which is held to the Council within 48 hours of the occurrence of the relevant event.
- 8.3.2 The Council may entirely at its own discretion cancel a Permit and notify the Permit Holder by a notice in writing served on the Permit Holder at the address shown by that person on the application for the Permit or at any other address believed to be that person's place of abode or, in the case of a Car Club Permit, that person's place of business and the Permit Holder shall surrender the Permit to the Council in accordance with the Council's terms and conditions.
- 8.3.3 The events referred to in Article 8.3.1 are:
- (a) the Permit Holder ceasing to be the Registered Keeper of the vehicle in respect of which the Permit was issued;
  - (b) the withdrawal of such Permit by the Council under the provisions of Article 8.3.2;
  - (c) the vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is not a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle;
  - (d) the period of validity of the Permit has expired.

#### Application for and issue of Duplicate Permits

- 8.4 If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of said Permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the Council and may apply to the Council for the issue of a Duplicate Permit so marked;
- 8.4.1 If a Permit is lost or destroyed, the Permit shall become invalid and the Permit Holder may apply to the Council for the issue to him of a Duplicate Permit so marked;
- 8.4.2 The application for a Duplicate Permit shall be made in accordance with the Council's terms and conditions.

- 8.4.3 The Council may at any time require an applicant for a Permit or a Permit Holder to produce to an employee or agent of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- 8.4.4 On receipt of an application duly made under Article 8.4.2, the Council may, subject to Article 8.4.3 and in the case of an application made due to the circumstances detailed in Article 8.4, subject to the Permit first being returned, issue to the applicant a Duplicate Permit so marked.
- 8.4.5 The provisions of this Order shall apply to a duplicate Resident Permit, duplicate Family Carer Permit or duplicate Business Permit and an application therefore as if it were the Resident Permit, or Family Carer Permit or Business Permit it duplicates;
- 8.4.6 The date on which the duplicate Resident Permit, duplicate Family Carer Permit or duplicate Business Permit will expire will be the same date as shown on the Resident Permit, Family Carer Permit or Business Permit which it duplicates;

DRAFT 11.03.2021

**Schedule 1 (Article 2.12)**  
Variations to existing Traffic Regulation Orders

1. Variations to "Birmingham City Council (Various Roads) (Ladywood) (General Traffic Control) (Consolidation) Order 2016"

1.1 All reference to a Road or part of a Road contained within the Traffic Regulation Order Boundary (as defined in "Birmingham City Council (Digbeth & Irish Quarter, Highgate & Bordesley) (Traffic Regulation) Order 2020) shall be deleted from the "Birmingham City Council (Various Roads)(Ladywood) (General Traffic Control) (Consolidation) Order 2016"

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 29<sup>th</sup> of October Two Thousand and Twenty.

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

}

Authorised Signatory

**BIRMINGHAM CITY COUNCIL (BORDESLEY & HIGHGATE)  
(TRAFFIC REGULATION) ORDER 2020 PLAN INDEX**

Sealed 00<sup>th</sup> Month 202\*

Effective Date 00<sup>th</sup> Month 202\*

| Plan Ref.          | Effective date | Plan revision dates |   |   |   |   |   |   |   |
|--------------------|----------------|---------------------|---|---|---|---|---|---|---|
|                    |                | 1                   | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 406285NES          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285NES          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285NWN          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285NWS          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285SEN          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285SES          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 407285SWN          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 408285NWN          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| 408285NWS          | 00/00/202*     |                     |   |   |   |   |   |   |   |
| G_CA-02955_S1_5008 | 00/00/202*     |                     |   |   |   |   |   |   |   |
| G_CA-02955_S1_5013 | 00/00/202*     |                     |   |   |   |   |   |   |   |
| G_CA-02955_S1_5016 | 00/00/202*     |                     |   |   |   |   |   |   |   |
| CA-03125_S1_021    | 00/00/202*     |                     |   |   |   |   |   |   |   |

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 00<sup>th</sup> day of Month Two Thousand and year

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

Authorised Signatory



**BIRMINGHAM CITY COUNCIL  
(BORDESLEY & DIGBETH)  
(TRAFFIC REGULATION) ORDER 202\* CHARGE SCHEDULE**

**Scale of parking charges applicable during the Permitted Hours for Parking Places With Payment specified on the On-Street Plans**

**Parking Charge:- 4 hours max stay no return within 1 hour**

|  | Up to and including |         |         |         |
|--|---------------------|---------|---------|---------|
|  | 1 hour              | 2 hours | 3 hours | 4 hours |
| <b>CHARGE</b><br><br>Monday to Saturday<br>8:00am to 6pm | £1.50               | £2.20   | £3.50   | £4.50   |

**Fees for Permits**

|   | Resident Permit  | Business Permit |
|---|--|-----------------|
| Annual Charge                                     | 1 <sup>st</sup> permit - £19<br>2 <sup>nd</sup> permit - £38 | £142            |
| Replacement Permits - vehicle registration change | £12  | £12             |
| Replacement Permits- lost, stolen or damaged      | £22  | £22             |

|                              | Resident Visitor Permit |
|------------------------------|-------------------------|
| Charge per book of 5 Permits | £3.75                   |

**Charges which are additional to the parking charges when payment by Mobile Telephone in accordance with Article 6.7.4 of this Order.**

|  |     |
|--|-----|
| Charge when paying by Parking Payment Device   | 1p  |
| Additional charge when paying by interactive voice response telephone calls  | 10p |
| Charge for a text message reminder prior to expiry of the period for which payment has been made by the parking charge | 30p |

|  |     |
|--|-----|
| Charge for a text message transaction receipt  | 30p |
| Charge to extend parking time (within the maximum period for which vehicles may wait specified in the On-Street Plans) | 1p  |
| Charge to end parking time   | 0p  |

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 00<sup>th</sup> day of Month Two Thousand and year

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

}

Authorised Signatory

DRAFT 11.03.2021



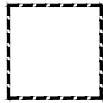
TRANSPORT AND CONNECTIVITY  
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SCHEME  
  
BIRMINGHAM CITY COUNCIL  
(BORDESLEY & HIGHGATE)  
(TRAFFIC REGULATION) ORDER 202\*

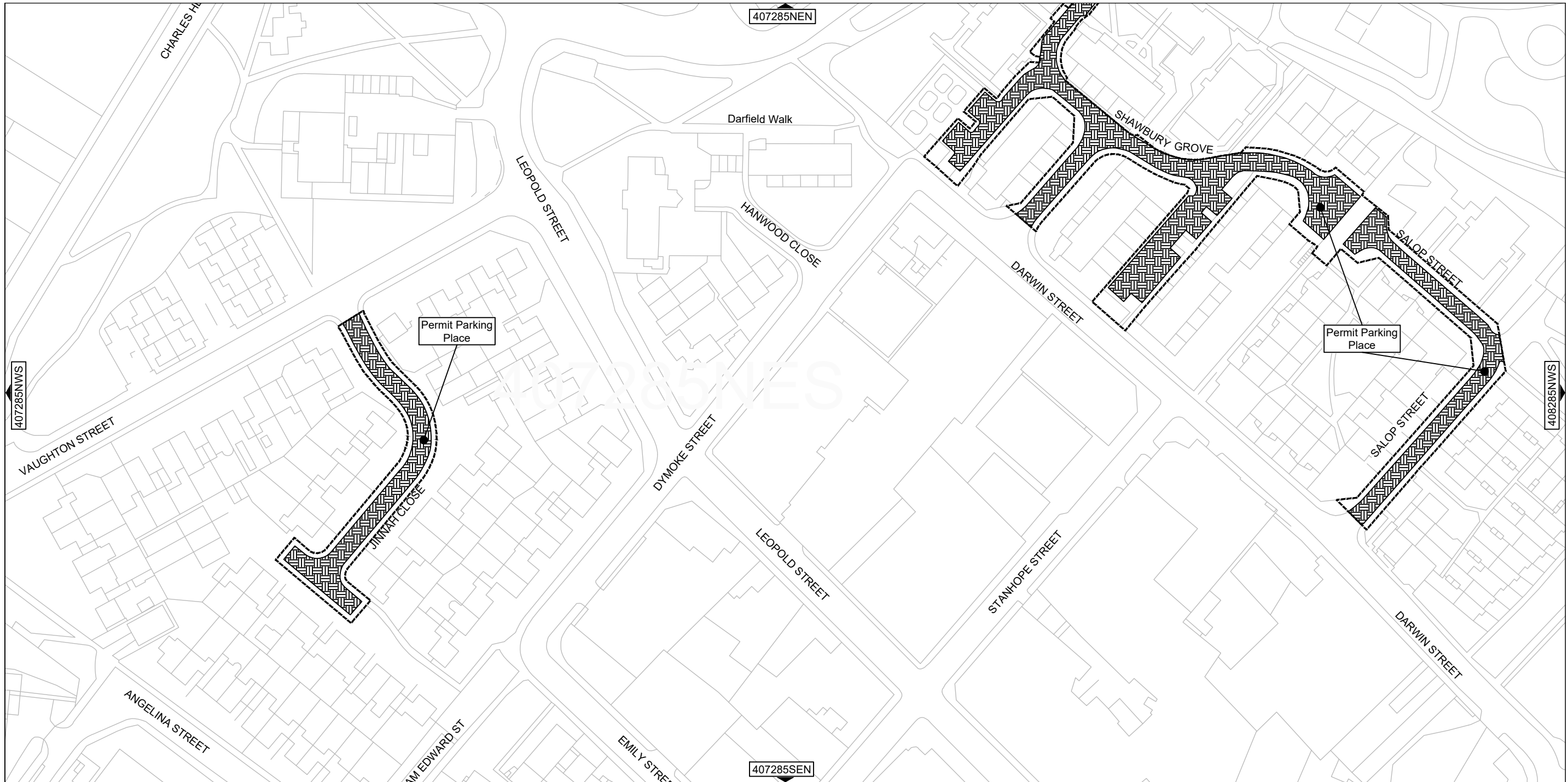
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Plan Reference: 407285NEN  
Effective Date:



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Boundary, Only this Traffic  
Regulation Order's  
restrictions are shown

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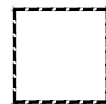
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(BORDESLEY & HIGHGATE)  
(TRAFFIC REGULATION) ORDER 202\***

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Effective Date:**

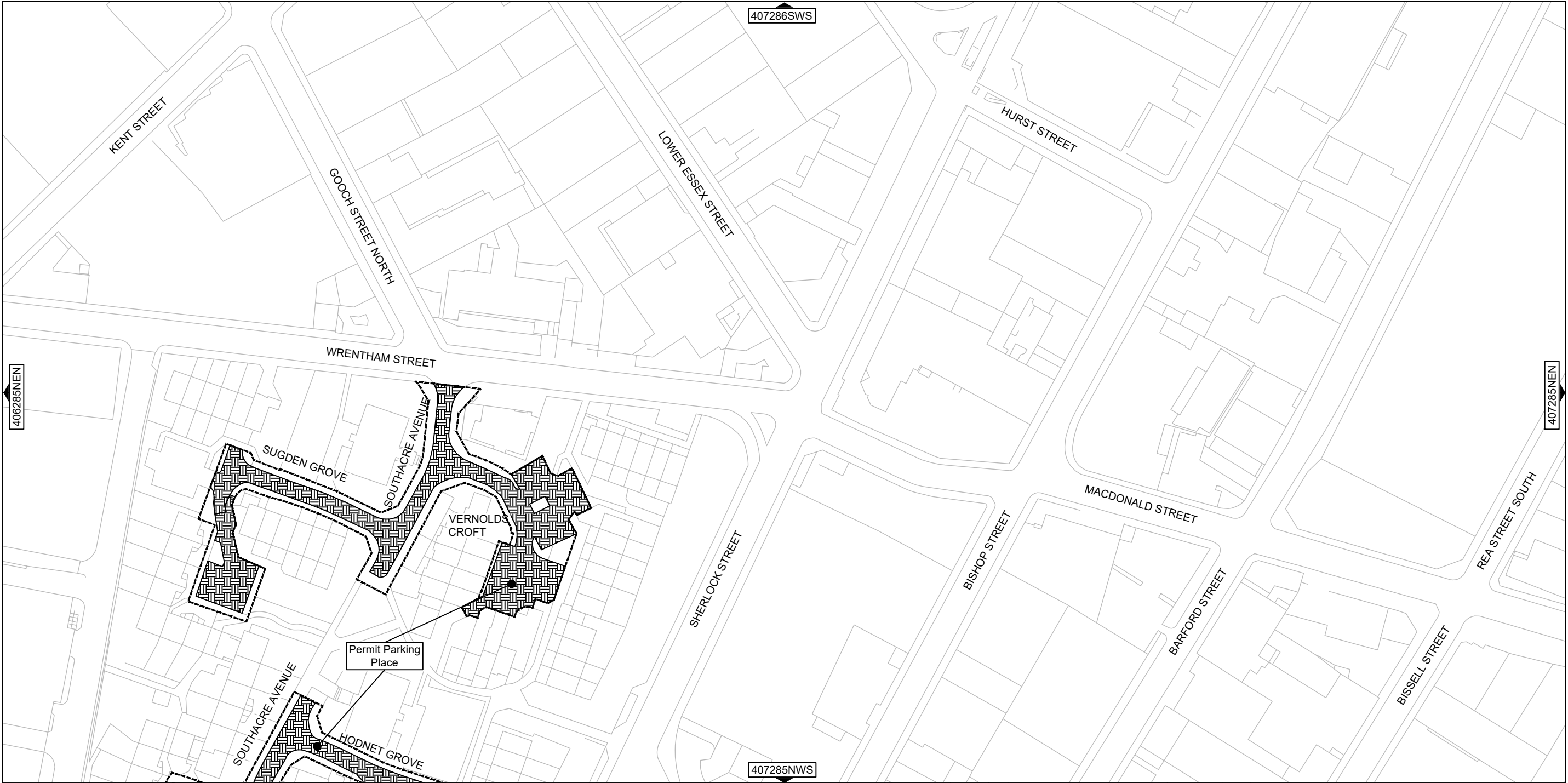


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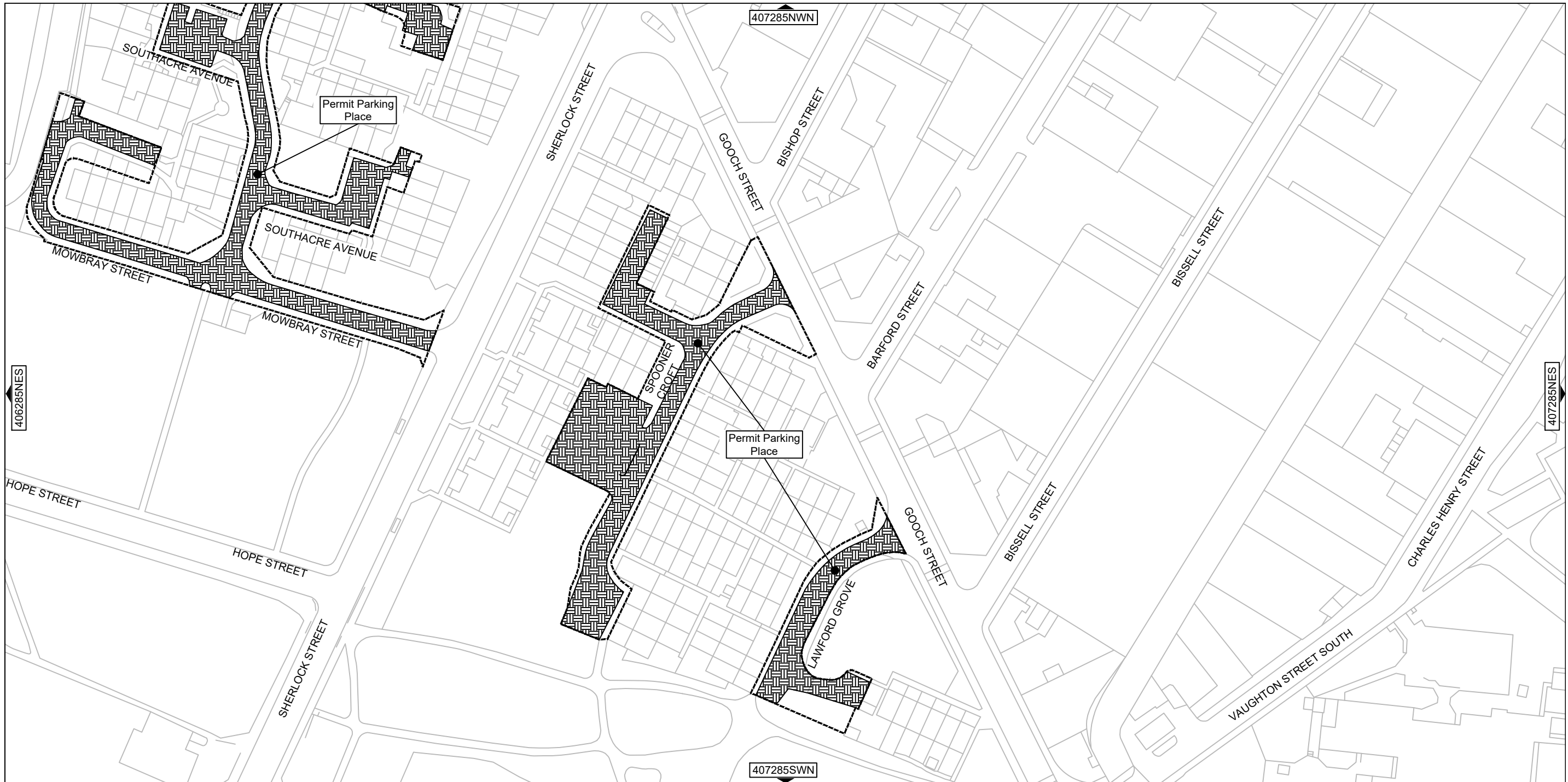


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(TRAFFIC REGULATION) ORDER 202\*

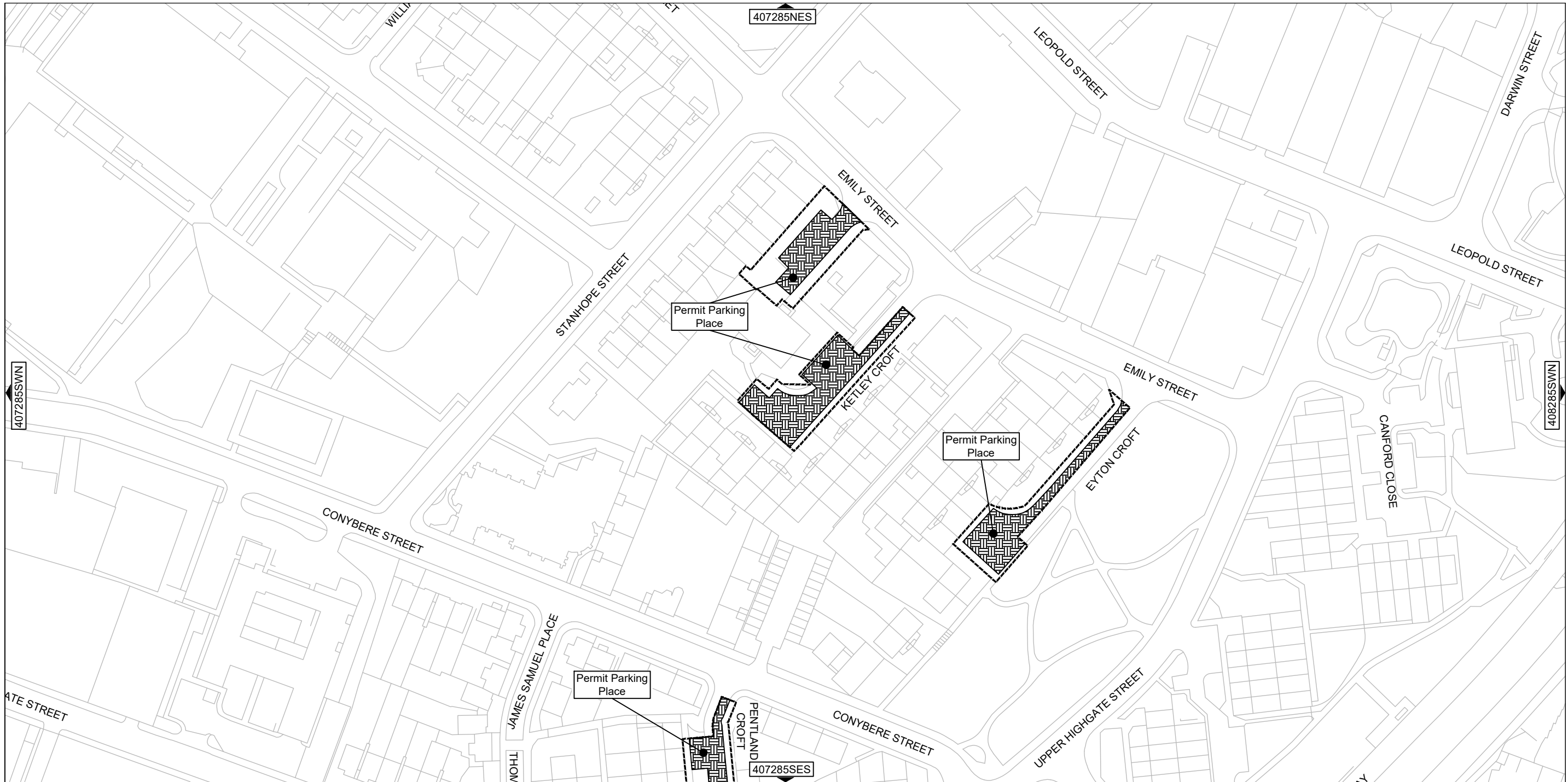
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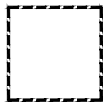
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