

THE BOROUGH COUNCIL OF SANDWELL

(Smethwick and Oldbury, Emergency Active Travel Funding)

(Experimental Traffic Regulation Order) 2020.

The Borough Council of Sandwell ("the Council") in exercise of its powers under Sections 1, 2, 45 and 46 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) ("the 1991 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:-

- 1** This Order may be cited as The Borough Council of Sandwell (Smethwick and Oldbury, Emergency Active Travel Funding) (Experimental Traffic Regulation Order) 2020 and shall come into operation on 6th July 2020 and will remain in force for a maximum period of 18 months
- 2** The restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under any other enactment.
- 3** In this Order -
 - a) "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.
 - b) "Business" means one which is registered for Business Rates.
 - c) "*Civil Enforcement Officer*" means an Authorised person by or on behalf of the council to enforce the restrictions in this Order and issue Penalty Contravention Notices,
 - d) "Council" means Sandwell Metropolitan Borough Council;
 - e) "*disabled person's badge*" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
 - f) "*dispensation certificate*" means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited;
 - g) "*driver*" in relation to a motor vehicle waiting in a parking area, means the person driving the motor vehicle at the time it was left in the parking place.
 - h) "*electronic communications network*" has the same meaning as in the Communications Act 2003.
 - i) "*goods vehicle*" means a motor vehicle not exceeding 2.3m in height or 5.25m in length, which is constructed or adapted for use for the carriage of goods or of burden of any description and is not drawing a trailer.
 - j) "*household*" means the occupants of a dwelling used or suitable for use as a separate dwelling.
 - k) "*junction*" means the intersection of the outside edge of the first highway with the outside edge of the second highway.
 - l) "*Motor cycle*" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.

- m) *"Motor vehicle"* has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
- n) *"Organisation"* means an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued which has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007
- o) *"Organisational Badge"* means a disabled person's badge issued to an organisation.
- p) "Owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the Owner at any time it shall be presumed that the Owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his/her employment and which is entitled to use such vehicles as though he/she were the registered keeper. Owner shall have the meaning in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in respect of a person who is served a penalty charge notice
- q) *"Parking disc"* means the disc issued by the Local Authority complying with the requirements of Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and capable of showing the quarter hour period during which a period of waiting began.
- r) *"parking place"* means the part of a road authorised by the Order to be used for the purposes of parking a motor vehicle.

- s) *"penalty charge" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;*
- t) *"penalty charge notice" means a notice issued by a Civil Enforcement Officer pursuant to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the provisions of part 6 of the traffic Management Act 2004*
- u) *"permit"* means a permit issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.
- v) *"permit holder"* means a person to whom a permit has been issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.

- w) *"relevant position" in respect of: -*
(a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
(b) a permit means exhibited behind the windscreen, on the dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
c) A parking disc is displayed in the "relevant position" if –
• the disc is exhibited on the dashboard or fascia of the vehicle, or
• where the vehicle is not fitted with a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,
so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.
- x) *"taxi"* has the meaning given by Schedule 1 of the Traffic Signs Regulations and General Directions 2016.
- y) *"ticket machine"* means an approved ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped.
- z) *"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 Road Traffic Regulation Act 1984.
- za) *"universal service provider"* has the same meaning given by Section 65(1) of the Postal Services Act 2011.

4 Power to modify or suspend this Order

In pursuance of section 10(2) of the Road Traffic Regulation Act 1984, an authorised person may, if it appears to that person essential in the interests of the expeditious, convenient and safe movement of traffic, or of the provision of suitable and adequate parking facilities on the highway, or for the preserving or improving the amenities of the area through which any road affected by this Order runs, and after consulting with the Chief Officer of Police, modify or suspend any provision of this Order, save that no modification shall make an addition.

5 Traffic signs and suspension of existing orders

- (1) Any provision of this Order shown on the plans shall take effect from the time at which traffic signs indicating that provision have been established.
- (2) Subject to paragraph (3) of this article, the orders listed in the Schedule are hereby suspended, in so far as their provisions relate to waiting or loading been established.
- (3) The suspension specified in Section 20 of this article shall take effect in respect of any provision contained in the orders listed in the Schedule only from the time at which the traffic sign indicating the effect of that provision has been obliterated.

Section 1: No waiting at any time

- 1/01.** Subject to the provisions of this section no person shall, except upon the direction of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any Motor vehicle to wait at any time in the sides and lengths of roads referred to in Schedule 1 to this Order.
- 1/02.** For the purposes of Clause 1/01, a Motor vehicle shall be taken to wait on a length of road if -
- i) the Motor vehicle is stationary; and
 - ii) any point in that length of road is below the vehicle or its load (if any).
 - iii) "For the purposes of Clause 1/01, a further contravention shall be created if the Motor vehicle remains on a length of road, it will be considered a new contravention from midnight on a rolling/daily basis.
- 1/03.** Nothing in Clause 1/01 of this order shall render it unlawful to cause or permit any Motor vehicle to wait as specified 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 to be used for the purposes of -
 - i) any building operation, demolition or excavation;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of a road;
 - iv) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications network lawfully kept installed in any position;
 - v) the collection of household refuse from, or the cleaning of cesspools at, premises situated on or near the sides and lengths of roads specified in **Schedule 1** of this Order;
 - (c) to enable a vehicle, which is a universal service provider for the collection or delivery of postal packets in the course of a universal postal service.;
 - (d) to enable goods to be loaded onto or unloaded from the vehicle;
 - (e) to enable a Motor vehicle to be used for police, ambulance, fire brigade, local authority, parking attendant/civil enforcement officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duty.
- 1/04.** Nothing in Clause 1/01 of this Order shall render it unlawful to cause or permit a Motor vehicle which displays in the relevant position, a valid disabled person's badge and a parking disc (on which the driver or other person in charge of the Motor vehicle has marked the time at which the period of waiting began) to wait in the sides of lengths of road referred to in Schedule 1 for a period not exceeding 3 hours (provided that this waiting is not during a period separated by an interval of less than 1 hour from a previous period of waiting by the same Motor vehicle in the same sides of lengths of road).

Schedule 1: No Waiting at Any Time

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of St	Location
	BIRMINGHAM STREET, OLDBURY	north	from a point 16 metres north-west of its junction with Unity Place (eastern junction) to a point 31 metres south-east of its junction with Unity Place (western junction).
	BIRMINGHAM STREET, OLDBURY	south	from a point 12 metres south-east of its junction with Church Square (eastern junction) to a point 39.6 metres north-west of its junction with Low Town

Section 5: Limited waiting during prescribed hours

- 5/01.** Subject to the provisions of this section, no person shall, except upon the direction of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any Motor vehicle to wait in the sides and lengths of roads referred to in Schedule 5 to this Order during the hours prescribed in Column 5 of the said schedule -
- (a) for a period exceeding the length of time specified in **Column 6 of Schedule 5**;
 - (b) during any period separated by an interval of less than the duration specified in Column 7 of Schedule 5 from a previous period of waiting by the same Motor vehicle in the same side and length of road.
- 5/02.** For the purposes of Clause 5/01, a Motor vehicle shall be taken to wait on a length of road if-
- i) the Motor vehicle is stationary; and
 - ii) any point in that length of road is below the vehicle or its load (if any)
 - iii) "For the purposes of Clause 5/01, a further contravention shall be created if the Motor vehicle remains on a length of road at the beginning of a period in which vehicles may be left there in pursuance of the order and shall be treated as if it had been left there at the beginning of that period."
- 5/03.** Nothing in Clause 5/01 of this order shall render it unlawful to cause or permit any Motor vehicle to wait as specified 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 to be used for the purposes of-
 - i) any building operation, demolition or excavation;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of a road;
 - iv) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications network lawfully kept installed in any position;
 - v) the collection of household refuse from, or the cleaning of cesspools at, premises situated on or near the sides and lengths of roads specified in **Schedule 5** of this Order;
 - (c) to enable a vehicle which is a universal service provider for the collection or delivery of postal packets in the course of a universal postal service.
 - (d) to enable goods to be loaded onto or unloaded from the vehicle;
 - (e) to enable a Motor vehicle to be used for police, ambulance, fire brigade, local authority, parking attendant/civil enforcement officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duty.
- 5/04.** Nothing in **Clause 5/01** of this Order shall apply to a vehicle that is displaying in the relevant position a valid disabled person's badge.

Schedule 5: Limited waiting during prescribed hours

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7
5/01	BIRMINGHAM STREET, OLDBURY	south	from a point 15 metres north-west of its junction with Low Town to a point 26.4 metres north-west of that junction.	Mon - Sat 8am - 6pm	1hr	2hrs

Section 8: Parking Bays for Disabled Badge Holders only.

- 8/01.** Subject to the provisions of this section, no person shall, except upon the direction of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any Motor vehicle to wait in the sides and lengths of roads referred to in Schedule 8 to this Order during the hours prescribed in Column 5 of the said schedule.
- 8/02.** For the purposes of Clause 8/01, a Motor vehicle shall be taken to wait on a length of road if-
- i) the Motor vehicle is stationary; and
 - ii) any point in that length of road is below the vehicle or its load (if any)
 - iii) "For the purposes of Clause 8/01, a further contravention shall be created if the Motor vehicle remains on a length of road at the beginning of a period in which vehicles may be left there in pursuance of the order and shall be treated as if it had been left there at the beginning of that period."
- 8/03.** Nothing in Clause 8/01 of this Order shall render it unlawful to cause or permit any Motor vehicle that displays a valid disabled person's badge in the relevant position, and a parking disc (on which the driver or other person in charge of the Motor vehicle has marked the time at which the period of waiting began) to wait in the sides and lengths of roads referred to in Schedule 8 to this Order for a period not exceeding the length of time specified in Column 6 of Schedule 8.
- 8/04.** Nothing in Clause 8/03 of this Order shall apply to any Motor vehicle waiting in the sides and lengths of roads referred to in Schedule 8 to this Order during a period separated by interval of less than the duration specified in Column 7 of Schedule 8 from a previous period of waiting by the same Motor vehicle in the same side and length of road.
- 8/05.** Nothing in Clause 8/01 of this order shall render it unlawful to cause or permit any Motor vehicle to wait as specified 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 cannot conveniently be used for such purpose in any other road, to be used in connection with-
 - i) any building operation, demolition or excavation;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of a road;
 - iv) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications network lawfully kept installed in any position;
 - v) the collection of household refuse from, or the cleaning of cesspools at, premises situated on or near the sides and lengths of roads specified in **Schedule 8** of this Order;
 - (c) to enable a vehicle which is a universal service provider for the collection or delivery of postal packets in the course of a universal postal service.
 - (d) to enable goods to be loaded onto or unloaded from the vehicle;
 - (e) to enable a Motor vehicle to be used for police, ambulance, fire brigade, local authority, parking attendant/Civil Enforcement Officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duty.

Schedule 8 - Disabled Parking during prescribed hours.

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7
Ref No	Street Name	Side of St	Location	Prescribed hours	Max. waiting time	No return within
8/01	BIRMINGHAM STREET, OLDBURY	south	from a point 26.4 metres north-west of its junction with Low Town for a distance of 13.2 metres in a north-westerly direction.	Mon - Sat 8am - 6pm	2hrs	3hrs

Section 15: Prohibition of Turning

1. subject to the provisions of this section no person shall except upon the direction of a Police Officer in uniform cause or permit any vehicle to make a turn as listed in Schedule 15 of this Order.
2. Nothing in Article 1 of this Section shall apply to a vehicle being used in connection with the Police, Ambulance or Fire Brigade, when used in pursuance of their statutory powers or duties.

Schedule 15: Prohibition of Tunring

15/01	Prohibit any vehicle from making a right turn into Birmingham Street, Oldbury from Unity Place, Oldbury (Both exits).
15/02	Prohibit any vehicle from making a left turn into Birmingham Street, Oldbury from Church Square, Oldbury
15/03	Prohibit any vehicle from making a left turn into Birmingham Street, Oldbury from Low Town, Oldbury
15/04	Prohibit any Vehicle from making a Right turn into St Pauls Road, Smethwick from Chatwin Street, Smethwick
15/05	Prohibit any Vehicle from making a left turn into St Pauls Road, Smethwick from Bowden Road, Smethwick
15/06	Prohibit any Vehicle from making a left turn into St Pauls Road, Smethwick from St Albans Road, Smethwick
15/07	Prohibit any Vehicle from making a left turn into High Street, Smethwick from Sabell Road, Smethwick
15/08	Prohibit any Vehicle from making a left turn into High Street, Smethwick from Ford Street, Smethwick
15/09	Prohibit any Vehicle from making a left turn into High Street, Smethwick from Stony Lane, Smethwick
15/10	Prohibit any Vehicle from making a left turn into High Street, Smethwick from Brewery Street, Smethwick

Section 16: One Way, Prohibition of Driving

1. subject to the provisions of this section no person shall except upon the direction of a Police Officer in uniform cause or permit any vehicle to travel in the direction listed in Schedule 16 of this Order.
2. Nothing in Article 1 of this Section shall apply to a vehicle being used in connection with the Police, Ambulance or Fire Brigade, when used in pursuance of their statutory powers or duties.

Schedule 16: One Way, Prohibition of Driving

16/01	Prohibit any vehicle from travelling in a north westerly direction along Birmingham Street, Oldbury between Low Town and Church Street, Olbury
16/02	Prohibit any vehicle from travelling in a north westerly direction along High Street, Smethwick between the Junction with High Street Link Road to Tollhouse Way, and St Pauls Road, Smethwick.
16/03	Prohibit any vehicle from travelling in a north westerly direction along St Pauls Road, Smethwick from its Junction with High Street, Smethwick to its junction with Fenton Street, Smethwick.
16/04	Prohibit any vehicle from travelling in a northerly direction along McKean Road from its junction with Century Road to its junction with Broadwell Road.

Section 17: Prohibition of Driving

1. No person shall cause any Motor Vehicle to proceed along the highway as described in Schedule 17 to this Order.
2. Nothing in Article 1 of this Section shall apply to a vehicle being used in connection with the Police, Ambulance or Fire Brigade, when used in pursuance of their statutory powers or duties.

Schedule 17: Prohibition of Driving

Ref No	Road	Description
17/01	MCKEAN ROAD OLDBURY	From its junction with Bromford Road for a distance of 45 metres in an easterly direction

Schedule 20: Orders Suspended

The Following items are suspended from:

The Borough Council of Sandwell (Sandwell Borough, Consolidation of Waiting and Loading Restrictions)
(Traffic Regulation Order No.14) 2019

Schedule 5: Limited Waiting during prescribed hours

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7
5/22	BIRMINGHAM STREET OLDBURY	north	from a point 41 metres south-east of its junction with Unity Place (eastern junction) for a distance of 36 metres in a south-easterly direction.	Mon-Sat 8am-6pm	1hr	2hrs
5/24	BIRMINGHAM STREET OLDBURY	south	from a point 12 metres south-east of its junction with Church Square (eastern junction) to a point 15 metres north-west of its junction with Low Town.	Mon-Sat 8am-6pm	1hr	2hrs

The Borough Council of Sandwell (Sandwell Borough, One-Way Traffic) (Consolidation Order) 2015

Schedule 1: One - Way Traffic

1/41	MCKEAN ROAD	Oldbury	from its junction with Bromford Road to its junction with Century Road in a southerly direction.
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THE COMMON SEAL
of THE BOROUGH COUNCIL
OF SANDWELL
was hereunto affixed this
2nd day of July 2020
in the presence of:-


LEGAL MANAGER
(Authorised Signatory)

