

THE BOROUGH COUNCIL OF SANDWELL
(Waiting and Loading Restrictions, Smethwick)
(Traffic Regulation Order) 2021.

Operational Date 20th May 2021

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THE BOROUGH COUNCIL OF SANDWELL

(Waiting and Loading Restrictions, Smethwick)

(Traffic Regulation order) 2021.

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 (Waiting and Loading Restrictions, Smethwick) (Traffic Regulation Order) 2021 and shall come into operation on 20th May 2021
- 2** The effects of this order is to continue in force the provisions of The Borough Council of Sandwell (Sandwell Borough, Consolidation of Waiting and Loading Restrictions) (Traffic Regulation Order No. 14) 2019 as amended
- 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) "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,
 - c) "*disabled person's badge*" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
 - d) "*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.
 - e) "*electronic communications network*" has the same meaning as in the Communications Act 2003.
 - f) "*household*" means the occupants of a dwelling used or suitable for use as a separate dwelling.
 - g) "*junction*" means the intersection of the outside edge of the first highway with the outside edge of the second highway.
 - h) "*Motor vehicle*" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
 - i) "*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
 - j) "*Organisational Badge*" means a disabled person's badge issued to an organisation.

- k) "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
- l) *"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.
- m) *"penalty charge" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;*
- n) *"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*
- o) *"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 facia of the vehicle, or*
 • *where the vehicle is not fitted with a dashboard or facia, 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.
- p) *"universal service provider" has the same meaning given by Section 65(1) of the Postal Services Act 2011.*

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
1/1	BRISTNALL HALL ROAD OLDBURY	east	from a point 11 metres north of its intersection with the extended northern building line of number 265 Bristnall Hall Road to its junction with Londonderry Road.
1/2	BRISTNALL HALL ROAD OLDBURY	west	from a point 7 metres north of its intersection with the extended southern building line of number 286 Bristnall Hall Road to its junction with Reservoir Road
1/3	DOG KENNEL LANE OLDBURY	east	from its intersection with the extended southern building line of number 128 Dog Kennel Lane to its junction with Londonderry Road.
1/4	DOG KENNEL LANE OLDBURY	west	from a point 6 metres north of its intersection with the extended southern building line of No113b Dog Kennel Lane to its junction with Reservoir Road.
1/5	HOLLY LANE SMETHWICK	east	from a point 12 metres north-east of its junction with St Pauls Road to a point 35 metres south-west of its junction with St Pauls Road.
1/6	HOLLY LANE SMETHWICK	west	from a point 12 metres south-west of its intersection with the extended south-western building line of number 28 Holly Lane to a point 32 metres south-west of its junction with St Pauls Road
1/7	ST PAULS ROAD SMETHWICK	north	from a point 1 metres west of its intersection with the extended western building line of number 310 St Pauls Road to a point 17 metres east of that junction.
1/8	ST PAULS ROAD SMETHWICK	south	from a point 19 metres west of its junction with Holly Lane to a point 31 metres east of that junction.

Section 6: No Loading and Unloading At Any Time

- 6/01.** Subject to the provisions of this section, no person shall, cause or permit any Motor vehicle to be loaded or unloaded At Any Time in the sides and lengths of roads referred to in Schedule 6 to this Order.
- 6/02.** For the purposes of Clause 6/01, 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 of its load (if any)
 - iii) "For the purposes of Clause 6/01, 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."
- 6/03.** Nothing in Clause 6/01 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 6** 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 a Motor vehicle which is stationary to enable it to be used for the purposes of the collection and delivery of monies, provided that vehicles referred to in this paragraph shall be only those security vehicles which have been specially made or adapted for that purpose;
 - (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 6: No Loading or Unloading during prescribed hours.

Col 1	Col 2	Col 3	Col 4	Col 5
Ref No	Street Name	Side of St	Location	Prescribed hours
6/01	HOLLY LANE SMETHWICK	east	from a point 12 metres north-east of its junction with St Pauls Road to a point 35 metres south-west of its junction with St Pauls Road.	At Any Time
6/02	HOLLY LANE SMETHWICK	west	from a point 12 metres south-west of its intersection with the extended south-western building line of number 28 Holly Lane to a point 32 metres south-west of its junction with St Pauls Road.	At Any Time
6/03	ST PAULS ROAD SMETHWICK	north	from a point 1 metres west of its intersection with the extended western building line of number 310 St Pauls Road to a point 17 metres east of its junction with Holly Lane.	At Any Time
6/04	ST PAULS ROAD SMETHWICK	south	from a point 19 metres west of its junction with Holly Lane to a point 31 metres east of its junction with Holly Lane.	At Any Time

Section 7: Loading and Unloading only, At Any Time

- 7/01.** 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 7 to this Order.
- 7/02.** For the purposes of Clause 7/01, 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 of its load (if any)
 - iii)** "For the purposes of Clause 7/01, 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."
- 7/03.** Nothing in Clause 7/01 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 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 maintenance, improvement or reconstruction of a road;
 - iii)** 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;
 - iv)** 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 7** of this Order;
 - (b)** 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 7: Loading or Unloading only during prescribed hours

Col 1	Col 2	Col 3	Col 4	Col 5
Ref No	Street Name	Side of St	Location	Prescribed hours
7/01	HOLLY LANE SMETHWICK	south east	from a point 12 metres north-east of its junction with St Pauls Road for a distance of 10 metres in a north-easterly direction.	At Any Time

Section 20: Order(s) Revoked

20/01. The following Items are hereby revoked from The Borough Council of Sandwell (Sandwell Borough, Consolidation of Waiting and Loading Restrictions) (Traffic Regulation Order No.14) 2019

Schedule 1 No Waiting at Any Time

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of St	Location
1/634	BRISTNALL HALL ROAD OLDBURY	east	from a point 190 metres north of its junction with Holland Avenue to its junction with Landswood Road.
1/640	BRISTNALL HALL ROAD OLDBURY	west	from a point 188 metres north of the extended Northern kerblin of Holland Avenue to its junction with Reservoir Road
1/1282	DOG KENNEL LANE OLDBURY	east	from a point 82 metres south of the extended Northern kerblin of Starkie Drive to its junction with Londonderry Road.
1/1287	DOG KENNEL LANE OLDBURY	west	from a point 72 metres south of its junction with Starkie Drive to its junction with Reservoir Road.
1/2239	HOLLY LANE SMETHWICK	east	from a point 9 metres north of its junction with St Pauls Road to a point 12 metres south of its junction with St Pauls Road
1/2245	HOLLY LANE SMETHWICK	west	from a point 13 metres north of its junction with St Pauls Road to a point 9 metres south of its junction with St Pauls Road
1/4053	ST PAULS ROAD SMETHWICK	north	from a point 27 metres west of its junction with Holly Lane to a point 7 metres east of that junction.
1/4065	ST PAULS ROAD SMETHWICK	south	from a point 11 metres west of its junction with Holly Lane to a point 31 metres east of that junction.

THE COMMON SEAL)
of THE BOROUGH COUNCIL)
OF SANDWELL)
was hereunto affixed this)
11th day of May 2021)
in the presence of:-)

SERVICE MANAGER-LEGAL
(Authorised Signatory)



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