

**THE BOROUGH COUNCIL OF SANDWELL**  
**(CENTRAL AVENUE, TIPTON, WAITING AND LOADING**  
**RESTRICTIONS) Order 2016**

**Operational Date** 24th May 2016

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## THE BOROUGH COUNCIL OF SANDWELL

### (CENTRAL AVENUE, TIPTON, WAITING AND LOADING RESTRICTIONS)

#### ORDER 2016.

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 (Central Avenue, Tipton, Waiting and Loading Restrictions) Order 2016 and shall come into operation on 24th May 2016
- 2 The effect of this order is to continue in force the provisions of The Borough Council of Sandwell (Central Avenue, Tipton, Waiting and Loading Restrictions) (Experimental Order) 2014
- 3 In this Order -
  - a) *"Disabled person's Vehicle"* has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
  - b) *"Disabled person's badge"* has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
  - c) *"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.
  - d) *"Relevant position"* has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and means:-
    - i) A badge is displayed in the *"relevant position"* if –
      - the badge is exhibited on the dashboard or fascia of the vehicle, or
      - where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,so that the front of the badge, as defined in Part I and Part II of the Schedule to the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, is clearly legible from the outside of the vehicle.
    - ii) 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.

- e) *“junction”* means the intersection of the outside edge of the first highway with the outside edge of the second highway.
- f) *“business”* means one which is registered for Business Rates.
- 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) *“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.
- i) *“household”* means the occupants of a dwelling used or suitable for use as a separate dwelling.
- j) *“Institution”* means an institution concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act 1970.
- k) *“Institutional Badge”* means a disabled person’s badge issued to an institution.
- 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) *“owner”* in relation to a motor vehicle means the person by whom the vehicle was kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (Section 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered except that the meaning of *“owner”* shall have the meaning in Regulation 5 (3) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in respect of a person who is served a penalty charge notice hiring a vehicle under a hiring agreement and the person hiring the vehicle had signed a statement of liability acknowledging their liability in respect of any parking contravention during the currency of the hiring agreement.
- o) *“parking place”* means the part of a road authorised by the Order to be used for the purposes of parking a motor vehicle.
- p) *“parking ticket”* means a ticket lawfully obtained from a ticket machine provided by the Council for the issue of parking tickets appropriately dated and time stamped relating to Schedule 19B of this Order
- q) *“permit”* means a permit issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.
- r) *“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.
- s) *“taxi”* has the meaning given by Regulation 4 of the Traffic Regulations and General Directions 2002.

- t) *“electronic communications network”* has the same meaning as in the Communications Act 2003.
- u) *“ticket machine”* means an approved ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped.
- v) *“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.
- w) *“universal service provider”* has the same meaning given by Section 65(1) of the Postal Services Act 2011.

## **Section 13: Red Route No stopping at any time**

### **General prohibition of stopping**

**1** Except as provided in Clause 2 of this Order no person shall cause any vehicle to stop at any time in the Red Route described in Schedule 13.

- i)** "For the purposes of 1, a further contravention shall be created if the motor vehicle remains on a length of road continuing the contravention, it will be considered a new contravention from midnight on a rolling/daily basis.

### **Miscellaneous exemptions for parking**

**2** **(1)** The controls specified in clause 1 do not apply in respect of a person causing a vehicle to stop if that person is-

- (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) using the 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 duties.
- (g) using the vehicle in connection with the removal of any obstruction to traffic;
- (h) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in schedule 13;
- (i) using the vehicle under a licence under section 37 of the Town Police Clauses Act 1847 to stop for so long only as may be required to enable a passenger to board or alight from the vehicle;
- (j) using a vehicle displaying a disabled person's badge in the relevant position to stop for so long only as may be required to enable a disabled person to board or alight from the vehicle;
- (k) using the vehicle for the purpose of collecting refuse by or on behalf of a local authority;
- (l) using a vehicle which bears the livery of a universal service provider which is waiting at the edge of a carriageway for so long as may be necessary for the purposes of the provision of a universal postal service (as defined by Section 4 of the Postal Services Act 2000).

- (2) The controls specified in clause 1 of this Order do not apply to anything done with the permission of an authorised person or with the permission or at the direction of a police officer in uniform or of a Civil Enforcement Officer.
- (3) The controls specified in clause 1 of this Order do not apply in respect of a person causing a pedal cycle to be parked at a facility specifically provided for the purpose of pedal cycle parking by, or with the consent of the highway authority.

### **Exceptions at bus stops and stands**

- 3. (1) The controls specified in clause 1 do not apply in respect of a person causing:
  - (a) a bus to stop within a red route bus stop clearway for as long as may be required to enable passengers to board or alight; or
  - (b) a bus in the provision of a local service to stop within a red route bus stop or bus stand clearway if being used for operational reasons or training drivers to allow such a service to be provided.
- (2) In this article "operational reasons" means:
  - (i) to enable passengers to board or alight;
  - (ii) to enable crew changes to take place;
  - (iii) to maintain the scheduled timetable subject, in the case of a red route bus stop clearway, to a maximum wait of two minutes.

### Schedule 13: Red Route - No Stopping

Col 1	Col 2	Col 3	Col 4	Col 5
Ref No	Street Name	Side of St	Location	Prescribed hours
13/01	BELMONT CLOSE	north west	from its junction with Central Avenue to a point 10 metres north-east of that junction.	At Any Time
13/02	BELMONT CLOSE	south east	from its junction with Central Avenue to a point 10 metres north-east of that junction.	At Any Time
13/03	CENTRAL AVENUE	north east	from its junction with Locarno Road to a point 14 metres north-west of that junction.	At Any Time
13/04	CENTRAL AVENUE	north east	from a point 31 metres north-west of its junction with Belmont Close to a point 10 metres south-east of that junction.	At Any Time
13/05	CENTRAL AVENUE	south west	from a point 13 metres north-west of its junction with Robert Road to a point 11 metres south-east of that junction.	At Any Time
13/06	CENTRAL AVENUE	south west	from its junction with Locarno Road to a point 15 metres north-west of that junction.	At Any Time
13/07	LOCARNO ROAD	north west	from a point 15 metres north-east of its junction with Central Avenue to a point 14 metres south-west of that junction.	At Any Time
13/08	ROBERT ROAD	north west	from its junction with Central Avenue to a point 13 metres south-west of that junction.	At Any Time
13/09	ROBERT ROAD	south east	from its junction with Central Avenue to a point 14 metres south-west of that junction.	At Any Time

## **Section 14: Red Route No stopping during prescribed hours**

### **General prohibition of stopping**

- 1** 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 stop at any time in the sides and lengths of roads referred to in Schedule 14 to this order, during the hours prescribed in Column 5 of the said schedule.
- i)** "For the purposes of **1**, a further contravention shall be created if the motor vehicle remains on a length of road continuing the contravention, it will be considered a new contravention from midnight on a rolling/daily basis.

### **Miscellaneous exemptions for parking**

- 2** **(1)** The controls specified in clause 1 do not apply in respect of a person causing a vehicle to stop if that person is-
- (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) using the 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 duties.
  - (g) using the vehicle in connection with the removal of any obstruction to traffic;
  - (h) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in schedule 13;
  - (i) using the vehicle under a licence under section 37 of the Town Police Clauses Act 1847 to stop for so long only as may be required to enable a passenger to board or alight from the vehicle;
  - (j) using a vehicle displaying a disabled person's badge in the relevant position to stop for so long only as may be required to enable a disabled person to board or alight from the vehicle;
  - (k) using the vehicle for the purpose of collecting refuse by or on behalf of a local authority;
  - (l) using a vehicle which bears the livery of a universal service provider which is waiting at the edge of a carriageway for so long as may be necessary for the purposes of the provision of a universal postal service (as defined by Section 4 of the Postal Services Act 2000).



- (2) The controls specified in clause 1 of this Order do not apply to anything done with the permission of an authorised person or with the permission or at the direction of a police officer in uniform or of a Civil Enforcement Officer.
- (3) The controls specified in clause 1 of this Order do not apply in respect of a person causing a pedal cycle to be parked at a facility specifically provided for the purpose of pedal cycle parking by, or with the consent of the highway authority.

### **Exceptions at bus stops and stands**

- 3. (1) The controls specified in clause 1 do not apply in respect of a person causing:
  - (a) a bus to stop within a red route bus stop clearway for as long as may be required to enable passengers to board or alight; or
  - (b) a bus in the provision of a local service to stop within a red route bus stop or bus stand clearway if being used for operational reasons or training drivers to allow such a service to be provided.
- (2) In this article "operational reasons" means:
  - (i) to enable passengers to board or alight;
  - (ii) to enable crew changes to take place;
  - (iii) to maintain the scheduled timetable subject, in the case of a red route bus stop clearway, to a maximum wait of two minutes.

**Schedule 14: No stopping during prescribed hours.**

<b>Col 1</b>	<b>Col 2</b>	<b>Col 3</b>	<b>Col 4</b>	<b>Col 5</b>
<b>Ref No</b>	<b>Street Name</b>	<b>Side of St</b>	<b>Location</b>	<b>Prescribed hours</b>
14/01	CENTRAL AVENUE	north east	from a point 14 metres north-west of its junction with Locarno Road to a point 10 metres south-east of its junction with Belmont Close.	Mon-Fri 8am-4pm
14/02	CENTRAL AVENUE	south west	from a point 13 metres north-west of its junction with Robert Road to a point 38 metres north-west of its intersection with the extended north-western kerblines of Belmont Close.	Mon-Fri 8am-4pm
14/03	CENTRAL AVENUE	south west	from a point 15 metres north-west of its junction with Locarno Road to a point 11 metres south-east of its junction with Robert Road.	Mon-Fri 8am-4pm

**Section 20 Orders Revoked**

**The following items are revoked from:**

The Borough Council of Sandwell (Sandwell Borough, Consolidation of Waiting and Loading restrictions) (Traffic Regulation Order No.8) 2015

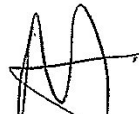
Schedule 2: No Waiting during prescribed hours

Street Name	Side of St	Location	Prescribed hours
CENTRAL AVENUE	south west	from a point 14 metres north-west of its junction with Robert Road for a distance of 56 metres in a north-westerly direction.	Mon-Fri 8am-4pm
CENTRAL AVENUE	south west	from a point 11 metres south-east of its junction with Robert Road for a distance of 31 metres in a south-easterly direction.	Mon-Fri 8am-4pm

Schedule 3: No Stopping on school entrance markings during prescribed hours.

Street Name	Side of St	Location	Prescribed hours
CENTRAL AVENUE	north east	from a point 33.7 metres north-west of its junction with Locarno Road for a distance of 25.56 metres in a north-westerly direction.	Mon-Fri 8am-4pm
CENTRAL AVENUE	north east	from a point 24.3 metres south-east of its junction with Belmont Close for a distance of 25.56 metres in a south-easterly direction.	Mon-Fri 8am-4pm

THE COMMON SEAL )  
of THE BOROUGH COUNCIL )  
OF SANDWELL )  
was hereunto affixed this )  
19th day of May 2016 )  
in the presence of:- )



**LEGAL MANAGER**  
**(Authorised Signatory)**



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