

**Dated this 23rd Day of June 2016**

**THE BOROUGH COUNCIL OF SANDWELL**  
**(OFF-STREET PARKING PLACES ORDER)**  
**(PORTWAY LIFESTYLE CENTRE,**  
**NEWBURY LANE, OLDBURY) 2016**

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# SANDWELL METROPOLITAN BOROUGH COUNCIL

## THE BOROUGH COUNCIL OF SANDWELL (OFF-STREET PARKING PLACES ORDER) (PORTWAY LIFESTYLE CENTRE, NEWBURY LANE, OLDBURY) 2016

The Borough Council of Sandwell (herein referred to as the “the Council”) in exercise of its powers under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991 and the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Sandwell) Order 2000 hereby makes the following Order:-

### PART I

#### GENERAL

##### 1. Commencement and Citation

- 1.1 This Order shall come into operation on the 1st July 2016 and may be cited as The Borough Council of Sandwell (Off-Street Parking Places Order) (Portway Lifestyle Centre, Newbury Lane, Oldbury) 2016.

##### 2. Interpretation

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

*“Disabled person’s vehicle”* has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

*“Disabled person’s badge”* has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

*“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.

*“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 is not fitted with a dashboard or fascia, the badge 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.

*“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;

*“driver”* in relation to a motor vehicle waiting in a parking place, means the person driving the motor vehicle at the time it was left in the parking place;

*“motorcycle”* has the same meaning as in Section 136 of the Act 1984;

*“motor vehicle”* has the same meaning as in Section 136 of the Act 1984;

"Owner" in relation to a 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 his liability in respect of any parking contravention during the currency of the hiring agreement.

*“Civil Enforcement Officer”* means a person authorised by or on behalf of the Council to carry out any duties in relation to the parking places listed in Part II of this Order;

*“parking place”* means each area of land specified by name in **Column 1 of Schedule 2** to this Order;

*“parking space”* means a place authorised by this Order to be used as a parking place used for the parking of a single motor vehicle;

*“parking ticket”* means a ticket lawfully obtained from a ticket machine provided by the Council or through partnership for the issue of parking tickets appropriately dated and time stamped relating to **Scale 1, Scale 2, Scale 4, Scale 5 and Scale 7 of Schedule 1** of this Order;

*“registered keeper”* means the person who at the time of any contravention or non-compliance with this Order was the person in whose name the motor vehicle was registered with the Driver Vehicle Licensing Authority or its successor;

*“relevant date”* means the date upon which any vehicle is or was parked in any Parking Place referred to in this Order upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

*“relevant position”* has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(England and Wales) Regulations 2000:-

*“residents parking permit”* means a permit to park a motor vehicle issued by the Council under Clause 8.3 of this Order;

*“season ticket”* means a ticket provided by the Council to park a motor vehicle relating to **Scale 3 and 6 of Schedule 1** of this Order and issued by the Council under Clause 8.2 of this Order;

*“ticket machine”* means a ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped and approved in accordance with Section 35(3) of the Act of 1984.

*“valid parking ticket”* means a ticket issued in accordance with Clause 8.1 or a valid season ticket issued in accordance with Clause 8.2 of this Order.

2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

## PART II

### AUTHORISATION AND USE OF PARKING PLACES

3. Each of the parking places specified in **Column 1 of Schedule 2** to this Order is authorised to be used subject to the following provisions of this Order, as a parking place for such motor vehicles, on such days and during such hours as are specified in relation to that parking place in **Column 2 of Schedule 2** to this Order.

3.1 Parking charges will not apply on the two weekends (Saturday and Sunday) prior to Christmas, the waiting period specified in **Schedule 2 columns 3 and 4** shall remain in force.

4. The driver of a motor vehicle shall not permit it to wait in such part of a parking place as is marked by signs, lines, studs or other indications so as to indicate its provision as a parking space for:-
  - 4.1 a motorcycle, unless the vehicle so permitted to wait is a motorcycle without a sidecar attached thereto;
  - 4.2 a disabled persons vehicle, unless the vehicle so permitted to wait is a vehicle which displays a valid Disabled person's badge in the vehicle in a conspicuous position facing forward at the front of the vehicle so that the information printed on the front of the badge is clearly visible to a person standing in front of the vehicle;
  - 4.3 a residents' parking permit holder, unless the motor vehicle so permitted to wait is a motor vehicle which displays a valid residents' parking permit in a conspicuous position in the vehicle such that the information printed on the front of the permit is clearly visible to a person standing in front of the vehicle;
  - 4.4 a season ticket holder, unless the motor vehicle so permitted to wait is a motor vehicle which displays a valid season ticket in a conspicuous position at the front of the vehicle so that the information printed on the front of the permit is clearly visible to a person standing in front of the vehicle.
5. The driver of a motor vehicle shall not permit it to wait in any parking place specified in **Schedule 2** unless it is wholly within a marked parking space.
6. The driver of a motor vehicle shall not permit it to wait in a parking place for longer than the maximum period for waiting as specified in **Column 3** of **Schedule 2** to this Order in relation to that parking place.
  - 6.1 The maximum waiting period specified in **Column 3** of **Schedule 2** to this order in relation to a parking place shall not apply to a disabled person's vehicle, which displays a valid disabled person's badge in the vehicle in a conspicuous position facing forward at the front of the vehicle so that the information printed on the front of the badge is clearly visible to a person standing in front of the vehicle. The maximum waiting period for a disabled person's vehicle in relation to a parking place of this order shall be 23 hours.
  - 6.2 "For the purposes of **Clause 3**, a further contravention shall be created if the motor vehicle remains in a parking place 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. When a motor vehicle has left a parking place after waiting thereon, the driver thereof shall not permit it to wait again upon that parking place within the time after its leaving as specified in **Column 4** of **Schedule 2** to this Order in relation to that parking place.

## 8. Pay and Display System

### 8.1 **Charges** - All motor vehicles having more than 2 wheels

- a. Subject as hereinafter provided, the driver of a motor vehicle waiting in a parking place specified in **Column 1** of **Schedule 2** to this Order, between the hours as specified in **Column 2** of **Schedule 2** to this Order shall, on leaving the motor vehicle in that parking place, pay the daily charges specified in **Column 5** of **Schedule 2** to this Order, by the insertion of a coin or coins for the period required into the ticket machine.

### **Display of Tickets**

- b. Any parking ticket issued in receipt of payment of the charges referred to in Clause 8.1a, or a season ticket issued in accordance with Clause 8.2, or a residents parking permit issued in accordance with Clause 8.3, shall be displayed in a conspicuous position in the motor vehicle in respect of which it was issued and shall continue to be displayed in such conspicuous position during the whole of the time that the motor vehicle remains in the parking place, so that it can be read by any Civil Enforcement Officer carrying out their normal enforcement duties.
- c. Following the issue and display of a ticket in accordance with Clauses 8.1 (a) and (b) no further ticket shall be purchased for and displayed in the same vehicle whilst parked in the same parking place. This clause shall apply if the vehicle has remained in the parking place and shall also apply if it has returned to the same parking place after an interval of less than the duration specified in Column 4 of Schedule 2 from a previous period of waiting.
- d. Nothing in Clause 8.1 (c) shall apply if the additional ticket or tickets purchased bear an expiry time not later than the length of time specified in Column 4 of Schedule 2 after the time of purchase of the initial ticket issued in accordance with Clause 8.1 (a).
- e. **Restriction on Removal of Notices and Tickets**
  - i. Where a parking ticket obtained from a ticket machine has been displayed on a motor vehicle in accordance with the provision of Clause 8.1.b of this Order no person, not being the driver of the motor vehicle, shall remove the parking ticket from the motor vehicle until the motor vehicle has left the parking place;

- ii. where a Penalty Charge Notice has been attached to a motor vehicle no person, not being the driver of the motor vehicle or a person authorised by the Council, shall remove the Notice from the motor vehicle unless authorised to do so by the driver.

f. **Particulars given by Ticket Machines and Tickets as Evidence**

The particulars as to the time at which a parking ticket were obtained from the apparatus or device provided specified on the parking ticket issued by the apparatus or device and affixed in accordance with the provisions of Clause 8.1.b shall be evidence of the particulars so specified.

g. **Transfer of Tickets**

No person shall use any parking ticket issued in respect of a motor vehicle left in a parking place in accordance with sub-paragraph (a) of this Article in relation to any other motor vehicle,

8.2 **Season Tickets**

- a. Where scale charges are defined in **Column 6** of **Schedule 2** to this Order in relation to a parking place specified in **Column 1** of **Schedule 2**, season tickets may be issued upon payment of the appropriate scale charge, at the discretion of the Council, for use in the specified parking place in respect of a motor vehicle having more than two wheels, between the hours specified in **Column 2** of **Schedule 2** to this Order.
- b. Nothing in Clauses 7 or 8.1e ii shall apply to a vehicle which is parked in accordance with the provisions of Clause 8.1b by virtue of displaying a season ticket issued in accordance with Clause 8.2.
- c. The Council reserve the absolute discretion to limit the number of season tickets which may be issued for use in a parking place specified in **Column 1** of **Schedule 2**, for the purpose of ensuring that adequate parking spaces are available for use by vehicles in respect of which a season ticket has not been issued, or for the purpose of preventing the issue of a season ticket in respect of a vehicle which is not being used in connection with the operation of a business or employment located within an area defined by the Council, or for any other purpose which the Council determines necessary to fulfil its parking policies.

### 8.3 Residents Parking Permits

- a. For households authorised specifically by the Council, in accordance with rules and procedures laid down by the Council, as amended from time to time, the following charges shall be payable for a parking permit for use in specifically designated parking spaces in accordance with Clause 4.3 in respect of a motor vehicle having more than two wheels, on such days and during such hours as are specified in relation to that parking place in **Column 2** of **Schedule 2** to this Order:-

for specific Parking Places detailed in **Column 1** of **Schedule 2** to this Order - Scale Charges specified in **Column 7** of **Schedule 2** as detailed in **Schedule 1** to this Order

- b. Nothing in Clauses 7 or 8.1e ii shall apply to a vehicle which is parked in accordance with the provisions of Clause 8.1b by virtue of displaying a valid residents' parking permit issued in accordance with Clause 8.3.

9. Disabled Badge Holders will be allowed to park free of charge in all the parking places, where appropriate as specified in **Schedule 2** to this Order, provided the Disabled Badge is displayed as specified in Clause 4.2. Nothing in this Clause shall apply to a vehicle which is permitted to wait in such part of parking place as is marked by signs, lines, studs or other indications so as to indicate its provision as a parking space for a motorcycle as specified in Clause 4.1 or a residents parking permit holder as specified in Clause 4.3.
10. The driver of a motor vehicle using a parking place shall stop the engine as soon as the motor vehicle is in position in the parking place and shall not start the engine except when about to change the position of the motor vehicle in or to depart from the parking place.
11. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the motor vehicle in or to depart from the parking place.
12. The driver of a motor vehicle while it is waiting in a parking place shall not permit the carrying out of any work of maintenance or repair except such as may be necessary to enable the motor vehicle to be moved from the parking place or such minor maintenance work or running repairs as may be necessary for the efficient driving of the motor vehicle.



**13. Selling or Offering for Hire, Skills or Services**

13.1 Subject as hereinafter provided no person shall use a motor vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill(s) or services.

13.2 The driver of a motor vehicle shall not offer the said motor vehicle for sale while it is waiting in a parking place.

**14.** The driver of a caravan or motor vehicle whilst it is waiting in a parking place shall not use the caravan or motor vehicle for camping purposes or overnight sleeping.

**15.** The Council or a person authorised by the Council may suspend the use of a parking space or parking place as defined in clause 2 of this order whenever such suspension is considered necessary:-

- a. for the purpose of facilitating the movement of traffic or promoting its safety.
- b. for works to be carried out to the parking place or parking space.
- c. on any occasion on which it is likely by reason of a public event that the parking place or space should be suspended in order to promote its safety.

**16.** When a motor vehicle is left in a parking place in contravention of any of the provisions contained in Clause 4, Clause 5, Clause 6, Clause 8.1.c, Clause 13.2 or Clause 15 of this Order a person authorised in that behalf by the Council may remove the motor vehicle or arrange for it to be removed from that parking place.

**17.** Any person removing a motor vehicle in accordance with Clause 15 shall:-

- a. do so by towing or driving the motor vehicle or in such other manner as may be considered necessary, or;
- b. take such measures in relation to the motor vehicle as are considered necessary to enable it to be removed or its position to be altered as appropriate.

**18.** When a person authorised by the Council removes or makes arrangements for the removal of a motor vehicle from a parking place by virtue of Clause 15 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle.

### **PART III**

#### **DISPOSAL OF MOTOR VEHICLES ABANDONED ON PARKING PLACES**

- 19.** The Council may as respects a motor vehicle which has been or could at any time be, removed from a parking place in pursuance of Clause 15 of this Order if it appears to them to have been abandoned, sell or otherwise dispose of the motor vehicle.

Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a motor vehicle unless there have been taken by the Council such of the following steps as are applicable to the motor vehicle and there has elapsed a period of six weeks beginning with the taking of the first of these steps.

- 20.** (1) Subject to the provisions of Clause 26 of this Order, where a motor vehicle carries a registration mark issued under the Vehicles (Excise) Act 1971 the Council shall apply in writing to the Driver Vehicle Licensing Authority inquiring who it appears may be the owner or registered keeper of the motor vehicle and the address of that person;

(2) The first step for the purposes of the last and the next succeeding Clause shall be taken to be the sending of the notice mentioned in Clause 20.

- 21.** The Council shall, where it is by virtue of the last preceding Clause aware of the name and address of a person who it appears may be the owner or registered keeper of the motor vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the motor vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as may be specified by the Council in the said notice or from such other place as may be subsequently notified in writing by the Council to that person.

- 22.** If any person to whom a notice is sent in accordance with the last preceding Clause informs the Council of the name and address of some other person who he alleges may be the owner of the motor vehicle a notice stating the particulars mentioned in the last preceding Clause shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the motor vehicle.

- 23.** Subject to the provision of Clause 26 of this Order, where a motor vehicle does not carry a registration mark issued under the Vehicles (Excise) Act 1971 the first step to be taken by a Council shall be to apply in writing to the Chief Officer of the police force in whose area is the parking place from which the motor vehicle has been or could at any time be, removed inquiring who that officer considers is the owner of the motor vehicle and the address of that person.
- 24.** If, after steps have been taken under the foregoing provisions of this part of this Order a motor vehicle is not claimed, the Council shall make such further (if any) as they consider reasonable as to who may be the owner of the motor vehicle and the address of that person.
- 25.** Where by virtue of Clauses 22 or 23 of this Order the Council is informed of the name and address of a person who it is considered may be the owner of the motor vehicle Clauses 20 and 21 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Clause 20.
- 26.** Nothing in the foregoing provisions in this Part of this Order shall require the Council to take any such step as is therein mentioned for the purpose of inquiring who is the owner of a motor vehicle to which Clause 18 of this Order applies if they have found a person who satisfies them that he is in fact the owner of that motor vehicle and they have sent him at his address a notice containing the particulars specified in Clause 20 of this Order, the sending of the notice being treated as the first step for the purposes of that Clause and the said Clause 18.
- 27.** Upon the sale of a motor vehicle by the Council it shall apply the proceeds of sale in satisfaction of any costs incurred by it in connection with the disposal thereof and towards any charge incurred to which the Council is entitled as regards the motor vehicle under Section 102 of the Act of 1984.
- 28.** In the event of any such costs incurred by the Council in connection with the disposal of the motor vehicle not being satisfied by virtue of the last preceding Clause the Council may recoup those costs so far as not satisfied from the person who was the last owner of the motor vehicle before it was removed from the parking place either in pursuance of Clause 15 of this Order or after it had been disposed of by virtue of the power of disposal conferred by this Order if that person was sent by the Council a notice under the foregoing provisions of this Part of this Order stating the particulars mentioned in Clause 20 of this Order.
- 29.** Any sums received by the Council on sale of the motor vehicle after deducting any sum applied therein by virtue of Clause 26 of this Order shall be payable within a period of one year from the date of the sale of the motor vehicle to any person to whom but for such sale the motor vehicle would have belonged and in so far as any such sums are not claimed within the said period they shall be paid into the general rate fund of the Council.
- 30.** Where under the foregoing provisions of this part of this Order a notice is required to be or may be sent to a person the notice shall be sent by registered post or by recorded delivery service.

## SCHEDULE 1

Scale	Car Park / Type	Charges			
		Monday to Saturday 8am to 6pm			
1	Short Stay Car Parks - Pay and Display	Up to 1 hour		Up to 3 hours	Up to 4 hours
		80p	£1.60p	£2.40	£3.20
2	Long Stay Car Parks - Pay and Display	80p	£1.60p	£2.40	£3.20
		All day £4.00			
3	Season Tickets	1 month season ticket - £39			
		12 month season ticket - £390			
4	Short Stay Car Parks - Pay and Display (Outside West Bromwich Central Area)	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours
		40p	80p	£1.20p	£1.60p
5	Long Stay Car Parks - Pay and Display (Outside West Bromwich Central Area)	40p	80p	£1.20p	£1.60p
		All day £2.00			
6	Season Tickets - Outside West Bromwich Central Area	1 month season ticket - £17.50			
		12 month season ticket - £175			
7	Pay and Display Car Parks - Enforcement Through Partnership	As displayed			
8	Market Traders Parking Permit	One Day - £1.70		3 Month - £19.70	
9	Long Stay Car Parks - Pay and Display	1 month Super Parking Permit - £39			
		12 month Super Parking Permit - £390			
10	Special Business/Visitor Permit	£100 per year			
11	First Residents Parking Permit	£25 per year			
12	Second Residents Parking Permit	£30 per year			

**SCHEDULE 2**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
<b>Name and Location of Parking Place</b>	<b>Hours of Operation of Parking Place</b>	<b>Max. Period for which vehicles may wait</b>	<b>No return within</b>	<b>Scale of Charges for Pay &amp; Display</b>	<b>Scale of Charges for Season Tickets</b>	<b>Scale of Charges for Residents Parking Permits</b>	<b>Class of Vehicle</b>
Portway Lifestyle Centre, Newbury Lane, Oldbury	7am-10pm Monday - Friday, 7am- 6pm Saturday and Sunday.	23 hours	N/A	N/A	N/A	N/A	2.3

THE COMMON SEAL of )  
**THE BOROUGH COUNCIL OF SANDWELL** )  
 was hereunto affixed )  
 this 23rd day of June 2016 )  
 in the presence of:- )



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



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