

**THE BOROUGH COUNCIL OF SANDWELL**  
**(AXLETREE WAY, WEDNESBURY) (RED ROUTE)**  
**(EXPERIMENTAL TRAFFIC REGULATION ORDER) 2016.**

**Operational Date** 26th August 2016

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# THE BOROUGH COUNCIL OF SANDWELL

## (AXLETREE WAY, WEDNESBURY) (RED ROUTE)

### (EXPERIMENTAL TRAFFIC REGULATION 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 (Axletree Way, Wednesbury) (Experimental Traffic Regulation Order) 2016 and shall come into operation on 26th August 2016

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) *"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	AXLETREE WAY	both	for its entire length.	At Any Time
13/02	PARK LANE	east	from a point on its intersection with the extended centreline of Franchise Street (the Borough boundary) to its intersection with the extended southern building line of number 171 Park Lane.	At Any Time
13/03	WOOD GREEN ROAD	east	from a point 33.5 metres south of its junction with Axletree Way in a northern direction to the Borough boundary.	At Any Time
13/04	WOOD GREEN ROAD	west	from a point 50 metres north of its junction with Sparrow Close in a northerly direction to the Borough boundary.	At Any Time

**Section 20 Suspensions and Alterations**

**Power to modify or suspend this Order**

20/01 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.

**Traffic Signs and Suspension of existing orders**

- 20/02 (1) Any provision of this order as described in Schedules 13 and 14 of this Order shall take effect from the time at which traffic signs and/or lines indicating that provision have been established.
- (2) Subject to paragraph (3) of this article, the Order(s) listed in 20/03 are hereby suspended, in so far as their provisions relate to waiting or loading on any part of the red route.
- (3) The suspension specified in paragraph (2) 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 and/or line indicating the effect of that provision has been obliterated.

20/03 **Schedule 20**

Orders to be suspended in so far as their provisions relate to any part of the red route contained in this Order, and from any subsequent orders for the time this order remains operational.

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

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



55672

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