

THE BOROUGH COUNCIL OF SANDWELL
(RESIDENTS PARKING AND WAITING RESTRICTIONS)
(TRAFFIC REGULATION ORDER) 2016

Operational Date 21st November 2016

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THE BOROUGH COUNCIL OF SANDWELL

(SANDWELL BOROUGH, RESIDENTS PARKING AND WAITING RESTRICTIONS)

(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 (Sandwell Borough, Residents Parking and Waiting Restrictions) (Traffic Regulation Order) 2016 and shall come into operation on 21st November 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 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 telecommunication system 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
1/01	CLAREMONT ROAD	north	from a point 26 metres east of its junction with Edgbaston Road to a point 53 metres north-east of that junction.
1/02	CLAREMONT ROAD	north	from its junction with Edgbaston Road for a distance of 10 metres in an easterly direction.
1/03	CLAREMONT ROAD	south	from its junction with Edgbaston Road for a distance of 12 metres in an easterly direction.
1/04	EDGBASTON ROAD	east	from a point 10 metres north of its junction with Claremont Road to a point 10 metres south of that junction.
1/05	RUTLAND ROAD	north	from its junction with Bearwood Road to a point 82 metres east of that junction.
1/06	RUTLAND ROAD	north	from its junction with Sandon Road to a point 106 metres east of its junction with Bearwood Road.

Section 18: Residents' Parking.

18/01. Except as provided for in **Clause 18/02**, the parts of roads specified in **Schedule 18** to this Order are authorised to be used for the purposes of parking a motor vehicle displaying a **valid permit** and subject to the following provisions of this section, as a parking place for such classes of motor vehicles in such positions as specified in **Schedule 18** and during the hours prescribed in **Column 5** in the said schedule.

(a) "For the purposes of **Clause 18/01**, 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."

18/02. Nothing in **Clause 18/01**, shall restrict the power of the Council or a person designated by the Council to suspend the use of the parking place or any part thereof whenever he/she considers such suspension reasonably necessary -

- (a) for the purposes of facilitating the movement to traffic or promoting its safety;
- (b) to enable a motor vehicle if it cannot conveniently be used for such purposes 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 telecommunication system 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 18** of this Order;
- (c) for the convenience of the occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository;
- (d) to enable goods to be loaded onto or unloaded from a motor 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 statutory powers or duty.
- (f) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions;

provided that the person authorised by the Council to suspend the use of a parking place or any part thereof, shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof, the use of which is suspended, a traffic sign indicating that waiting by motor vehicles is prohibited.

18/03. No motor vehicle shall be permitted to wait in the parking place -

- (a) so as unreasonably to prevent access to any premises adjoining the road by other persons, or so as to be a nuisance;
- (b) when the Council has suspended or suspended part of that parking place in accordance with the provisions of **Clause 18/02**.

18/04. Nothing in **Clause 18/01** or **Clause 18/03** 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 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 telecommunication system 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 18** 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 or water authority, sewage authority and national rivers authority purposes, when used in pursuance of statutory powers or duty.

18/05. Except where provided for in **Clause 18/02** of this Order, nothing in the provisions of this section shall render it unlawful to cause or permit any motor vehicle not displaying a valid permit to wait in the sides and lengths of roads referred to in **Schedule 18A** to this Order during the hours prescribed in **Column 5** of **Schedule 18A** for a period not exceeding the length of time specified in **Column 6** of **Schedule 18A**.

18/06. Nothing in **Clause 18/05** of this Order shall apply to any motor vehicle waiting in the sides and lengths of roads referred to in **Schedule 18A** to this Order during a period separated by an interval of less than the duration specified in **Column 7** of **Schedule 18A** from a previous period of waiting by the same motor vehicle in the same side and same length of road.

18/07. Nothing in **Clause 18/01** of this Order shall render it unlawful to cause or permit a motor vehicle which displays in the relevant position a 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 18** 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 vehicle in the same sides of lengths of road).

18/08. Where, in **Schedule 18** to this Order, the parking place is described as available for motor vehicles of a specified class or in a specified position, the driver of a motor vehicle shall not permit it to wait in the parking place unless it is -

(a) of the specified class and

(b) in the specified position

except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer.

18/09. Any resident who resides within a length of Street specified in **Column 4** of **Schedule 18** to this Order, or in any other street which the Council have classed as eligible for parking in such lengths of streets so specified -

(a) may apply to the Council at a designated office for the issue of one permit per household for the parking of a motor vehicle in the parking places contained in that street or any other parking place in a street of the same zone as specified in **Column 6** of **Schedule 18** to this Order and any such application shall be made on a form issued by and obtainable from the Council at a designated office and shall include the particulars and information required by such form together with the fee specified in **Schedule 18B** to this Order. A resident/applicant who is the holder of a disabled person's badge shall be exempt from paying the fee prescribed in **Schedule 18B** to this Order;

(b) and has previously in accordance with the terms in **Clause 18/09(a)** purchased a permit, may if space permits, as determined by the Council, apply for a second permit for the parking of a motor vehicle in the parking places contained in that street or any other parking place in a street of the same zone as specified in **Column 6** of **Schedule 18** to this Order and any such application shall be made on a form issued by and obtainable from the Council at a designated office and shall include the particulars and information required by such form together with the fee specified in **Schedule 18B** to this Order:

(c) may apply to the Council at its designated office for the issue of a **Special Visitors Permit**. The decision to issue a special visitors permit is at the discretion of the Council or its designated officer. Subject to the satisfaction of the Council or its designated officer a special visitors permit shall be issued for the parking of any motor vehicle in the parking places contained in that street or any other parking place in a street of the same zone as specified in **Column 6** of **Schedule 18** to this Order upon payment of the prescribed fee specified in **Schedule 18B** to this Order.

(d) may apply to the Council for the issue of residents' visitors' permits and such application shall be made on a form obtainable from a designated office of the Council and shall include such particulars and information required by such form supplied together with the fee specified in **Schedule 18B** to this Order for the type of residents visitor's permit required. A resident/applicant who is over the age of 60 years or is a disabled badge holder and provides satisfactory evidence to the Council or designated officer shall pay half the prescribed fee specified in **Schedule 18B** to this Order. The maximum number of residents' visitors permits which shall be issued to any one household shall be as specified in **Schedule 18B** to this Order.

- 18/10.** The Council may, at its discretion, issue a Special Visitors Permit to persons engaged in a medical or caring profession, upon payment of the prescribed fee specified in **Schedule 18B** to this Order. The permit may be valid in specified zones or in 'All Zones'.
- 18/11.** Where in the opinion of the Council or a designated officer of the Council a motor vehicle is required to be parked in the sides and lengths of streets specified in **Schedule 18** to this Order in connection with the operation of a business, a **Special Business Permit** may be issued to an applicant for the parking of that motor vehicle in the parking places contained in that street or any other parking place in a street of the same zone as specified in **Column 6** of **Schedule 18** to this Order. A special business permit shall be issued at the discretion of the Council and only upon receipt of an application form from a designated office of the Council. The application shall include the particulars and information required by the form together with the fee specified in **Schedule 18B** to this Order.
- 18/12.** At all times during which a motor vehicle is waiting (other than a motor vehicle which is otherwise exempted by this Order) in a parking place on such days and during such hours as are specified in **Column 5** of **Schedule 18** to this Order, a valid permit shall be displayed such that the relevant particulars are readily visible from the front or the nearside of the motor vehicle and can be read by any Parking Attendant carrying out his normal enforcement duties.
- 18/13.** A permit shall cease to be valid on the occurrence of any one of the events set out below -
- (a)** the permit holder ceasing to be a resident, in the case of a residents' first or second permit;
 - (b)** the permit holder ceasing to be the owner of the motor vehicle in respect to which the permit was issued;
 - (c)** the cancellation of such permit by the Council under the provisions of **Clause 18/14** or **Clause 18/15** to this Order;
 - (d)** the holder of a special visitors permit issued under the provisions of **Clause 18/10** to this Order being no longer employed in the profession for which the said permit was issued or no longer requiring to park a motor vehicle in pursuance of that profession in the manner for which the permit was issued;
 - (e)** the motor vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a motor vehicle of the class specified in **Schedule 18** to this Order;
 - (f)** A business permit holder ceasing operation of the business for which the motor vehicles are required, or -
 - i)** the motor vehicle is no longer required in connection with that business;
 - ii)** the business has relocated to another area not within the zone for which the permit has been issued;

(g) Where any permit is issued to any person upon receipt of a cheque or credit card and the payment is subsequently dishonoured, the permit shall cease to be of effect from the date of issue and the Council shall serve notice in writing on the person to whom the permit was issued by way of the recorded delivery service or by delivering the notice to the person's last known address requiring that person to surrender the permit to the Council within 48 hours of the receipt of that notice.

18/14. The Council may, entirely at its own discretion, cancel a permit and notify the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode and the permit holder shall surrender the permit to the Council within 2 working days of the receipt of the aforementioned Notice.

18/15. A first residents' permit, second residents' permit or special visitors' permit which -

(a) is lost, defaced, worn or stolen shall be replaced by the Council upon receipt of the prescribed fee specified in **Schedule 18B** to this Order;

(b) ceases to be valid in accordance with **Clause 18/13(b)** to this Order shall be replaced by the Council, such replacement being issued in respect of a different motor vehicle owned by the permit holder, upon receipt of the prescribed fee specified in **Schedule 18B** to this Order.

The permit for which a replacement permit is issued under the provisions of this clause shall be cancelled and the replacement permit shall have the same expiry date as the permit which has been cancelled. Unless the permit has been lost or stolen, it should be surrendered to the Council before a replacement permit is issued.

18/16. A special business permit holder, on surrendering a permit to the Council before its expiry date, shall receive a refund in accordance with the scale prescribed in **Schedule 18B** to this Order.

18/17. A residents visitors permit which is unused, lost, defaced, worn or stolen shall not be replaced or eligible to a refund of any monies paid in respect of the purchase of that permit.

Schedule 18 - Residents' Parking.

Class of vehicle - i) Private Motor Car, Goods Vehicle ii) Motor Cycle

Parking Position - To be parked wholly within the marked parking place

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
Ref No	Street Name	Side of St	Location	Prescribed hours	Zone
18/01	CLAREMONT ROAD	south	from a point 12 metres east of its junction with Edgbaston Road to a point 25 metres south-west of its junction with Cape Hill.	At Any Time	SM6
18/02	CLAREMONT ROAD	north	from a point 53 metres north-east of its junction with Edgbaston Road to a point 24 metres south-west of its junction with High Street.	At Any Time	SM6
18/03	CLAREMONT ROAD	north	from a point 10 metres east of its junction with Edgbaston Road to a point 26 metres east of that junction.	At Any Time	SM6
18/04	GLADSTONE STREET	south west	from a point 30 metres north-west of its junction with Wordsworth Street to a point 31 metres south-east of its junction with Church Lane.	At Any Time	WB12
18/05	RUTLAND ROAD	north	from a point 82 metres east of its junction with Bearwood Road to a point 106 metres east of that junction.	At Any Time	B6
18/06	RUTLAND ROAD	south	from a point 29 metres west of its junction with Sandon Road to a point 83 metres west of that junction.	At Any Time	B6

Schedule 18a - Shared Use.**Limited waiting for non permit holders in Residents' Parking Schemes 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
18a/01	CLAREMONT ROAD	south	from a point 12 metres east of its junction with Edgbaston Road to a point 25 metres south-west of its junction with Cape Hill.	At Any Time	30mins	2hrs
18a/02	CLAREMONT ROAD	north	from a point 53 metres north-east of its junction with Edgbaston Road to a point 24 metres south-west of its junction with High Street.	At Any Time	30mins	2hrs
18a/03	CLAREMONT ROAD	north	from a point 10 metres east of its junction with Edgbaston Road to a point 26 metres east of that junction.	At Any Time	30mins	2hrs

Schedule 18B: Residents' Parking Scale of Charges

1	First Residents' Parking Permit	£25 for one year
2	Second Residents' Parking Permit	£30 for one year
3	Third Residents' Parking Permit	£40 for one year
4	Special Visitors Permit	£25 for one year
5	Residents' Parking Areas Visitor Permits Up to 2 hours	25p each
6	Residents' Parking Areas Visitor Permits Up to 6 hours	60p each
7	Residents' Visitor Permit discount for residents over 60 years of age and residents who are Disabled Badge Holders	50%
8	Residents' Parking Areas Visitor Permit Up to 1 week	£6 each
9	Residents' Parking Areas Business Permit	£100 for one year
10	Replacement of Residents Permit.	£10 each
11	Resident Permit for commercial vehicle	£100 for one year

Prices subject to change check with latest cabinet decision for confirmation on current charges.

Section 20: Order(s) Revoked

20/01. The following order is hereby revoked in part.

Item 1/3522 of
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)
10th day of November 2016)
in the presence of:-)



ACTING SERVICE MANAGER - LEGAL
AUTHORISED SIGNATORY



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