

THE BOROUGH COUNCIL OF SANDWELL
(MOUNT PLEASANT STREET, WEST BROMWICH)
(RESIDENTS PARKING AND PROHIBITION OF WAITING) ORDER 2018

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 ("the 1991 Act") and of all other enabling powers and after consulting with the Chief Officer of Police in accordance with part III of Schedule 9 to the 1984 Act, hereby makes the following Order: -

1. This Order may be cited as The Borough Council of Sandwell (Mount Pleasant Street, West Bromwich) (Residents Parking and Prohibition of Waiting) Order 2018 and shall come into operation on 20th December 2018

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them: -
 - “Authorized person” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.
 - “Business” means one which is registered for Business Rates.
 - “Council” means Sandwell Metropolitan Borough Council;

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to enforce the restrictions in this Order and issue Penalty Contravention Notices,

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

“dispensation certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited;

“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.

“Motor Vehicle” has the same meaning as that in S136 of the 1984 Act;

“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

“parking disc”

has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

“Parking Place”

Mean the part of the road authorised by the Order to be used for the purposes of parking Motor Vehicle

“penalty charge”

has the same meaning as in the Civil Enforcement of Parking Contraventions

	(England) General Regulations 2007 or any subsequent legislation so enabling;
“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.
“permit”	means a permit issued by the Council under the provisions of this Order;
“permit holder”	means a person to whom a permit has been issued under the provisions of this Order;
“relevant position”	in respect of: - <ul style="list-style-type: none"> (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 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.

“resident” means a person whose usual residence is at premises the postal address of which is in any road or part of road specified in Schedule 2 and Schedule 3;

“restricted hours” means in relation to any restricted road the hours during which waiting is restricted;

“restricted road” means any of the sides or lengths of roads where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any Parking Place;

“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.

"Universal service
provider" has the same meaning given by Section 65(1)
of the Postal Services Act 2011.

3. Any reference in this Order to a numbered Clause shall, unless the context requires otherwise, be construed as a reference to the Clause bearing that number in this Order and any reference to a plan is a reference to a plan incorporated into this Order.
4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament

PROHIBITION AND RESTRICTION OF WAITING

Prohibition of Waiting

5. Save as provided in clause 7 to 10 no person shall, except upon the direction or with the permission of a police officer in uniform or Civil Enforcement Officer, cause or permit any Motor Vehicle to wait at any time in the sides and lengths of roads as specified in Schedule 1 to this Order.

6. 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) 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.

7. Nothing in 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;
 - vi) 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.
 - vii) to enable goods to be loaded onto or unloaded from the vehicle;
- c) 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.
- d) Nothing in 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).
8. Nothing in Clause 5 and Clause 6 shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals or weddings.

9. Nothing in Clauses 5 and Clause 6 shall render it unlawful to cause or permit any vehicle to wait upon a designated parking space.
10. Nothing in Clause 5 and Clause 6 shall render it unlawful to cause or permit a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid dispensation certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Schedule 1

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of St	Location
1/01	MOUNT PLEASANT STREET	south	from a point 134 metres west of its junction with Pleasant Street to a point 14 metres east of its western extent.

Residents Parking

11. Except as provided for in clause 12 the parts of roads specified in Schedule 2 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 2 during the hours prescribed in Column 5 in the said Schedule 2.
 - a. "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."
12. Nothing in clause 11, 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 2 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 dwelling house 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 Authorised person 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.

13. 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 12

14. Nothing in Clause 11 or clause 13 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 2 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.
15. Nothing in clause 11 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 2 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).

16. Where, in Schedule 2 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.

- 17 Any resident who resides within a length of street specified in column 4 of schedule 2 to this Order or in any other street which the Council has classes 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 2 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 3 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 3 to this Order;

- b) and has previously in accordance with the terms of this clause) 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 2 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 3 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. 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 2 to this Order upon payment of the prescribed fee specified in Schedule 3 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 3 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 3 to this Order. The maximum number of residents' visitors permits which shall be issued to any one household shall be as specified in Schedule 3 to this Order.

18. 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 3 to this Order. The permit may be valid in specified zones or in 'All Zones'
19. 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 2 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 2 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 3 to this Order
20. 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 2 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 Civil Enforcement Officer carrying out his normal enforcement duties.

21. 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 21 or Clause 22 to this Order;
 - d) the holder of a special visitors permit issued under the provisions of Clause 17 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 2 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
22. 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
23. 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 3 to this Order
 - b) ceases to be valid in accordance with clause 20 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 3 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

- 24 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 3 to this Order.
- 25 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

Contraventions

- 26 If a vehicle is left in a prohibited or restricted road or Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
- 27 Nothing in this order shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
- 28 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 the Act of 1984 or by or under any other enactment.

Schedule 2

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	MOUNT PLEASANT STREET	south	from a point 13 metres west of its junction with Pleasant Street for a distance of 134 metres in a westerly direction.	At Any Time	WB16
18/02	MOUNT PLEASANT STREET	south	from its western extent for a distance of 14 metres in an easterly direction.	At Any Time	WB16
18/03	PLEASANT STREET	west	from a point 9 metres south of its junction with Mount Pleasant Street to a point 13 metres north of its junction with Newhall Street.	At Any Time	WB16

Schedule 3

1	First Residents' Parking Permit	£30.90 for one year
2	Second Residents' Parking Permit	£36.05 for one year
3	Third Residents' Parking Permit	£49.45 for one year
4	Residents' Parking Areas Visitor Permits Up to 2 hours - book of 20	£6.15
5	Residents' Parking Areas Visitor Permits Up to 6 hours - book of 10	£7.20
6	Residents' Visitor Permit discount for residents over 60 years of age and residents who are Disabled Badge Holders	50%
7	Residents' Parking Areas Visitor Permit Up to 1 week	£7.20 each
8	Residents' Parking Areas Business Permit	£113.30 for one year
9	Resident Permit for Commercial Vehicles	£103 for one year
10	Replacement First Residents' Permit, Second Residents' Permit or Special Visitors' Permit.	£12.35 each

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

THE COMMON SEAL
of THE BOROUGH COUNCIL
OF SANDWELL
was hereunto affixed this
13th day of December 2018
in the presence of:-



LEGAL MANAGER
(Authorised Signatory)



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