

The Borough Council of Sandwell
(Victoria Street, West Bromwich)
(Waiting Restrictions) Order 2019

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 (Victoria Street, West Bromwich) (Waiting Restrictions) Order 2019 and shall come into operation on 21st January 2019.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them: -
 - "Authorised person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.

 - "Council" means Sandwell Metropolitan Borough Council;

- “Civil Enforcement Officer” means an Authorised person 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 Act 1984;
- “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 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 3 of this Order.

“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;
“relevant position”	in respect of: - (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.

“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;

“ticket machine”

means an approved ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped.

“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
1/1	VICTORIA STREET	south east	from a point 50 metres south-west of its junction with High Street for a distance of 16 metres in a south-westerly direction.

PARKING BAYS FOR DISABLED BADGE HOLDERS ONLY

11. 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 in the sides and lengths of roads referred to in Schedule 2 to this Order during the hours prescribed in Column 5 of the said schedule.

12. For the purposes of Clause 11, 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 11, 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."

13. Nothing in Clause 11 of this Order shall render it unlawful to cause or permit any Motor Vehicle that displays a valid disabled person's badge in the relevant position, 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 and lengths of roads referred to in Schedule 2 to this Order for a period not exceeding the length of time specified in Column 6 of Schedule 2.

14. Nothing in Clause 11 of this Order shall apply to any Motor Vehicle waiting in the sides and lengths of roads referred to in Schedule 2 to this Order during a period separated by interval of less than the duration specified in Column 7 of Schedule

2 from a previous period of waiting by the same Motor Vehicle in the same side and length of road.

15. Nothing in Clause 11 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 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 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, 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.

Schedule 2

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
8/1	VICTORIA STREET	south east	from a point 36 metres south-west of its junction with High Street for a distance of 14 metres in a south-westerly direction.	Mon-Sat 8am-6pm	2hrs	3hrs

PAY AND DISPLAY

16. Except as provided for in Clause 17, the parts of roads specified in Schedule 3 to this Order are authorised to be used for the purposes of parking a Motor Vehicle displaying a valid parking ticket (obtained in accordance with Clause 22) 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 Schedules 3 and 3a and during the hours prescribed in Column 5 in the said schedule.

17. "For the purposes of Clause 16, 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. Nothing in Clause 16, 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 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 3 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 their 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 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.

19. No Motor Vehicle shall be permitted to wait in the Parking Place :-

- (a) when the Council has suspended or suspended part of that Parking Place in accordance with the provisions Clause 18;

(b) For a period exceeding the length of time specified in Column 6 of Schedule 3; even if the charges for that parking space have been temporarily suspended.

(c) If there is an interval of less than the duration specified in Column 7 of Schedules 3 from a previous period of waiting by the same vehicle in the same side and length of road.

20. Nothing in Clauses 16 or 19 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 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 3 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.

21. Where the Parking Place is marked by signs, lines, studs or other indications so as to indicate its provision as a Parking Place 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.

22. Except as provided in Clause 25, the following provisions relate to 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 Schedule 3A to this Order, during the hours specified in Column 5 in the said schedule, on leaving the Motor Vehicle in that Parking Place, must pay the daily charges specified in Schedule 3B, by the insertion of a coin or coins for the period required into the ticket machine approved in accordance with Section 35(3) of the Act of 1984, and the provisions of Section 47(5) of the Act of 1984 shall apply in respect of such apparatus namely:-
 - i) Parking Places specified in Schedule 3 to this Order- For any one visit charges as specified in Schedule 3B to this Order.

- (b) Any ticket issued in receipt of payment of the charges referred to in Clause 22(a), 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 Parking Attendant carrying out his normal enforcement duties.
- (c) Following the issue and display of a ticket in accordance with Clauses 22 (a) and (b) no further ticket shall be purchased and displayed in the same vehicle whilst parked in the same side and length of road. 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 7 of Schedules 3 and 3a from a previous period of waiting in the same side and length of road.
- (d) Nothing in Clause 22 (c) shall apply if the additional ticket or tickets purchased bear an expiry time not later than the length of time specified in Column 6 of Schedule 3a after the time of purchase of the initial ticket issued in accordance with Clause 22 (a).
- (e) Any vehicle using the Parking Place shall wait wholly within a designated bay.

23. The particulars as to the time at which a ticket or tickets were obtained from the apparatus or device provided specified on the ticket or tickets issued by the apparatus or device and affixed in accordance with the provisions of Clause 22 shall be evidence of the particulars so specified.

24.No person shall use any parking ticket or tickets issued in respect of a Motor Vehicle left in a Parking Place specified in Clause 16 in relation to any other Motor Vehicle.

25.Nothing in Clause 22 of this Order shall apply to a vehicle which displays:-

- (a) a disabled person's badge, in the relevant position, to wait in the sides of lengths of road referred to in Schedule 3a.

Schedule 3

3a

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	Col 7	COL 8
Ref No	Street Name	Side of St	Location	Hours of operation	Max. waiting time	No return within	Scale of Charges
19/1	VICTORIA STREET	south east	from a point 7 metres south-west of its junction with High Street for a distance of 29 metres in a south-westerly direction.	Mon-Sat 8am-6pm	2hrs	3hrs	1

3b

PAY AND DISPLAY ON-STREET SCALE OF CHARGES

Scale	Type	Charges
1	Pay and Display on-street	Up to 30 minutes 60p
		Up to 1 hour £1.20
	West Bromwich	Up to 2 hours £2.40

REVOCATIONS

The following order is hereby revoked in part.

(Sandwell Borough, Waiting and Loading Restrictions) (Traffic Regulation Order

No.11) 2016

No waiting at any time

Street Name	Side of St	Location
VICTORIA STREET	south east	from a point 18 metres south-west of its junction with High Street for a distance of 11 metres in a south-westerly direction.

Parking Bays for Disabled Badge Holders only

Street Name	Side of St	Location	Prescribed hours	Max. waiting time	No return within
VICTORIA STREET	south east	from a point 29 metres south-west of its junction with High Street for a distance of 14 metres in a south-westerly direction.	Mon-Sat 8am-6pm	2hrs	3hrs

Pay and Display

Street Name	Side of St	Location	Hours of operation	Max. waiting time	No return within	Scale of Charges
VICTORIA STREET	south east	from a point 43 metres south-west of its junction with High Street for a distance of 16 metres in a south-westerly direction.	Mon-Sat 8am-6pm	2hrs	3hrs	1
VICTORIA STREET	south east	from a point 7 metres south-west of its junction with High Street for a distance of 11 metres in a south-westerly direction.	Mon-Sat 8am-6pm	2hrs	3hrs	1

THE COMMON SEAL
of THE BOROUGH COUNCIL
OF SANDWELL
was hereunto affixed this
17th day of January 2019
in the presence of:-



LEGAL MANAGER
(Authorised Signatory)



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