

**THE BOROUGH COUNCIL OF SANDWELL**  
**(BID Sandwell, Waiting and Loading Restrictions)**  
**(Experimental Traffic Regulation Order) 2019.**

The Borough Council of Sandwell ("the Council") in exercise of its powers under Sections 9 and 10 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 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 (BID Sandwell, Waiting and Loading Restrictions) (Experimental Traffic Regulation Order) 2019 and shall come into force on 29<sup>th</sup> January 2019, and will remain in force for a maximum period of up to 18 months.
- 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 reference to an article followed by a number is a reference to the article of this Order so numbered;
  - a) "Business" means one which is registered for Business Rates.
  - b) "bus" means a vehicle constructed or adapted to carry more than 8 Passengers (exclusive of the driver).
  - c) "*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,
  - d) "*Disabled person's badge*" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
  - e) "*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.
  - f) "*household*" means the occupants of a dwelling used or suitable for use as a separate dwelling.
  - g) "*Motor cycle*" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
  - h) "*Motor vehicle*" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.

- i) “*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.
- j) “*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.
- k) “*parking place*” means the part of a road authorised by the Order to be used for the purposes of parking a motor vehicle.
- l) “*relevant position*” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and a disabled person’s badge is in the relevant position displayed in the manner prescribed by regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- m) “*red route*” means the lengths of road marked by 2 continuous red lines marked at the edge of carriageway.
- n) “*taxi*” has the meaning given by schedule 1 of the Traffic Signs Regulations and General Directions 2016.
- o) “*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.
- p) “*universal service provider*” has the same meaning given by Section 65(1) of the Postal Services Act 2011.

#### **4 Power to suspend or modify this Order**

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.

## **5 Traffic signs and suspension of existing orders**

- (1) Any provision of this Order shall take effect from the time at which traffic signs indicating that provision have been established.
- (2) Subject to paragraph (3) of this article, the orders listed in Schedule 3 of this Order are hereby suspended, in so far as their provisions relate to waiting or loading on any part of this order have been established.
- (3) The suspension specified in paragraph (2) of this article shall take effect in respect of any provision contained in the orders listed in Schedule 3 only from the time at which the traffic sign indicating the effect of that provision has been obliterated.

## **6 Limited waiting during prescribed hours**

- 6.1** 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 1 to this Order during the hours prescribed in Column 5 of schedule 1-
- (a) for a period exceeding the length of time specified in **Column 6** of **Schedule 1**
  - (b) during any period separated by an interval of less than the duration specified in **Column 7** of **Schedule 1** from a previous period of waiting by the same motor vehicle in the same side and length of road.
- 6.2** For the purposes of article 6.1 , 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 article 6.1, 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 there at the beginning of that period."
- 6.3** Nothing in article 6.1 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

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- (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.

**6.4** Nothing in article 6.1 of this Order shall apply to a vehicle that is displaying in the relevant position a valid disabled person's badge.

## **7 No stopping at any time**

### **General Prohibition of Stopping**

**7.1** Except as provided in article 7.2 of this Order no person shall cause any vehicle to stop at any time in the Red Route described in **Schedule 2**

- i) For the purposes of article 7.1, 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**

**7.2 (1)** The controls specified in article 7.2 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 vehicle for police, ambulance, fire brigade, local authority, 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 **Schedule2**;
  - (i) using the vehicle under 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.
- (2) The controls specified in article 7.1 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 article 7.1 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.

### **Exemptions at bus stops and stands**

- 7.3 (1) The controls specified in article 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 1 Limited Waiting 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
1/01	KELVIN WAY WEST BROMWICH	north	a point 10 metres east of its intersection with the extended western building line of number 115 Kelvin Way. to a point 6 metres west of its intersection with the extended eastern building line of number 61 Kelvin Way.	Mon-Fri 7am-7pm	1hr	2hrs
1/02	KELVIN WAY WEST BROMWICH	north	from a point 17.3 metres south-east of its junction Bethel Convention Centre for a distance of 78 metres in a south-easterly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/03	KELVIN WAY WEST BROMWICH	north	from a point 21 metres east of its intersection with the extended eastern building line of number 9 Kelvin Way (Central RPL) Industrial Estate for a distance of 56 metres in an easterly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/04	KELVIN WAY WEST BROMWICH	north	from a point 52 metres west of its junction with Johnston Street for a distance of 59 metres in a westerly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/05	KELVIN WAY WEST BROMWICH	south	from a point 24.6 metres west of its junction with Kelvin Way Industrial Estate for a distance of 118.5 metres in an easterly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/06	KELVIN WAY WEST BROMWICH	south	from a point 11 metres east of its intersection with the extended western building line of number 115 Kelvin Way for a distance of 18 metres in an easterly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/07	KELVIN WAY WEST BROMWICH	south	from a point on its intersection with the extended eastern building line of number 89 Kelvin Way for a distance of 18 metres in an easterly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/08	KELVIN WAY WEST BROMWICH	south	from a point 16 metres west of its junction with Giffords Way for a distance of 42 metres in a westerly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/09	KELVIN WAY WEST BROMWICH	south	from a point 115 metres west of its junction with Ault Street for a distance of 58.4 metres in a westerly direction.	Mon-Fri 7am-7pm	1hr	2hrs
1/10	KELVIN WAY WEST BROMWICH	south	from a point 21 metres west of its junction with Kelvin Way Industrial Estate for a distance of 69 metres in a north-westerly direction.	Mon-Fri 7am-7pm	1hr	2hrs

## Schedule 2 No Stopping at Any Time

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of St	Location
2/01	HAINGE ROAD OLDBURY	north	from its junction with Lower City Road to a point 95 metres north-west of that junction.
2/02	HAINGE ROAD OLDBURY	south	from its junction with Lower City Road to a point 88 metres north-west of that junction.
2/03	KELVIN WAY WEST BROMWICH	north	from a point 21 metres east of its intersection with the extended eastern building line of number 9 Kelvin Way (Central RPL) Industrial Estate for a distance of 100 metres in a westerly direction.
2/04	KELVIN WAY WEST BROMWICH	north	from a point 65 metres west of its intersection with the extended western building line of Axalta Coating Systems, Kelvin Way to a point 10 metres east of its intersection with the extended western building line of number 115 Kelvin Way.
2/05	KELVIN WAY WEST BROMWICH	south	from a point on its intersection with the extended eastern building line of number 89 Kelvin Way for a distance of 68 metres in a westerly direction.
2/06	KELVIN WAY WEST BROMWICH	south	from a point 18 metres east of its intersection with the extended eastern building line of number 89 Kelvin Way for a distance of 61 metres in an easterly direction.
2/07	KELVIN WAY WEST BROMWICH	south	from a point 11 metres east of its intersection with the extended western building line of number 115 Kelvin Way for a distance of 113 metres in a westerly direction.
2/08	LOWER CITY ROAD OLDBURY	north west	from a point 23 metres south-west of its junction with Dudley Road East to a point 30 metres south-west of its junction with Hainge Road.
2/09	LOWER CITY ROAD OLDBURY	south east	from a point 24 metres south-west of its junction with Dudley Road East to a point 16 metres north-east of its intersection with the extended north-eastern building line of number 67 Lower City Road.

The Common Seal )  
 Of The Borough Council )  
 Of Sandwell )  
 Was hereunto affixed this )  
 22<sup>nd</sup> day of January 2019 )  
 In the presence of:- )



57602

LEGAL MANAGER  
 (Authorised Signatory)