

Dated this **00th** Day of **Month 2025**

THE BOROUGH COUNCIL OF SANDWELL
(Off Street Parking Places Order No. 1)
(Union Street, West Bromwich) 2025

Service Manager - Legal Services
Sandwell Council House
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SANDWELL METROPOLITAN BOROUGH COUNCIL

THE BOROUGH COUNCIL OF SANDWELL (OFF-STREET PARKING PLACES ORDER No. 1) (UNION STREET, WEST BROMWICH) 2025

The Borough Council of Sandwell (herein referred to as the “the Council”) in exercise of its powers under sections 32, 33, 35 and schedule 9 of the Road Traffic Regulation Act 1984, the Road Traffic Act 1991 and the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Sandwell) Order 2000 and 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:-

PART I

GENERAL

1. Commencement and Citation

- 1.1 This Order shall come into operation on the 00th Month 2025 and may be cited as The Borough Council of Sandwell (Off-Street Parking Places Order No. 1) (Union Street, West Bromwich) 2025.

2. Interpretation

- 2.1 In this Order, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them:-

"the Act 1984" means the Road Traffic Regulation Act 1984

"Council" means Sandwell Metropolitan Borough Council;

“Disabled Person’s Badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended;

“Disabled Person’s Vehicle” means a vehicle displaying a valid Disabled Person's Badge in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Driver” in relation to a Motor Vehicle waiting in a Parking Place, means the person driving the Motor Vehicle at the time it was left in the Parking Place;

"Electric Vehicle" means (i) a vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion and (ii) hybrid vehicles with a battery charged by connecting a lead to an electricity supply, be it an internal motor and dynamo or an external power supply.

“Motorcycle” has the same meaning as in Section 136 of the Act 1984;

“Motor Vehicle” has the same meaning as in Section 136 of the Act 1984;

"Owner" in relation to a 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 6 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 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 his liability in respect of any parking contravention during the currency of the hiring agreement.

“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.

“Parking Place” means each area of land specified by name in **Column 1** of **Schedule 2** to this Order;

“Parking Space” means a place authorised by this Order to be used as a Parking Place used for the parking of a single Motor Vehicle;

"Person *Authorised*" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.

"Recharging Post" means a device designed for the recharging of Electric Vehicles;

“Registered Keeper” means the person who at the time of any contravention or non-compliance with this Order was the person in whose name the Motor Vehicle was registered with the Driver Vehicle Licensing Authority or its successor;

- 2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II

AUTHORISATION AND USE OF PARKING PLACES

3. Each of the Parking Places specified in Column 1 of Schedule 2 to this Order is authorised to be used subject to the following provisions of this Order, as a Parking Place for such Motor Vehicles, during the hours of operation specified in relation to that Parking Place in Column 2 of Schedule 2 to this Order.

4. The Driver of a Motor Vehicle shall not permit it to wait in such part of a Parking Place during the hours of operation specified in Column 2 of Schedule 2 as is marked by signs, lines, studs or other indications so as to indicate its provision as a Parking Space for:-
 - 4.1 a Motorcycle, unless the vehicle so permitted to wait is a Motorcycle without a sidecar attached thereto;
 - 4.2 a Disabled Persons Vehicle, unless the vehicle so permitted to wait is a vehicle which displays a valid Disabled Person's Badge in the vehicle in a conspicuous position facing forward at the front of the vehicle so that the information printed on the front of the badge is clearly visible to a person standing in front of the vehicle;
 - 4.3 an Electric Vehicle, unless it is an Electric Vehicle left during the process of actively recharging with electricity via the recharging lead while connected to the Recharging Post relating to that Parking Place.
5. The Driver of a Motor Vehicle shall not permit it to wait in any Parking Place specified in Schedule 2 unless it is wholly within a marked Parking Space.
6. The Driver of a Motor Vehicle shall not permit it to wait in a Parking Place for longer than the maximum period for waiting as specified in Column 3 of Schedule 2 to this Order in relation to that Parking Place.
 - 6.1 A further contravention shall be created if the Motor Vehicle remains in a Parking Place 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.
7. **Payment Parking System.**
Charges - All Motor Vehicles having more than 2 wheels
The scale of charges specified in Schedule 1 of this Order shall apply to the parking place specified in Schedule 2 to this Order.
8. Where a penalty charge notice has been attached to a Motor Vehicle no person, not being the Driver of the Motor Vehicle or a Person Authorised by the Council, shall remove the notice from the Motor Vehicle unless authorised to do so by the Driver.
9. The Driver of a Motor Vehicle using a Parking Place shall stop the engine as soon as the Motor Vehicle is in position in the Parking Place and shall not start the engine except when about to change the position of the Motor Vehicle in or to depart from the Parking Place.
10. The Driver of a Motor Vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the Motor Vehicle in or to depart from the Parking Place.

11. The Driver of a Motor Vehicle while it is waiting in a Parking Place shall not permit the carrying out of any work of maintenance or repair except such as may be necessary to enable the Motor Vehicle to be moved from the Parking Place or such minor maintenance work or running repairs as may be necessary for the efficient driving of the Motor Vehicle.

12. Selling or Offering for Hire, Skills or Services

12.1 Subject as hereinafter provided no person shall use a Motor Vehicle while it is in a Parking Place, in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill(s) or services.

12.2 The Driver of a Motor Vehicle shall not offer the said Motor Vehicle for sale while it is waiting in a Parking Place.

13. The Driver of a caravan or Motor Vehicle whilst it is waiting in a Parking Place shall not use the caravan or Motor Vehicle for camping purposes or overnight sleeping.

14. The Council or a Person Authorised by the Council may suspend the use of a Parking Space or Parking Place as defined in clause 2 of this Order whenever such suspension is considered necessary:-

- a. for the purpose of facilitating the movement of traffic or promoting its safety.
- b. for works to be carried out to the Parking Place or Parking Space.
- c. on any occasion on which it is likely by reason of a public event that the Parking Place or Parking Space should be suspended in order to promote its safety.

15. When a Motor Vehicle is left in a Parking Place in contravention of any of the provisions contained in Clause 4, Clause 5, Clause 6, Clause 12.2 or Clause 14 of this Order a Person Authorised in that behalf by the Council may remove the Motor Vehicle or arrange for it to be removed from that Parking Place.

16. Any person removing a Motor Vehicle in accordance with Clause 15 shall:-

- a. do so by towing or driving the Motor Vehicle or in such other manner as may be considered necessary, or;
- b. take such measures in relation to the Motor Vehicle as are considered necessary to enable it to be removed or its position to be altered as appropriate.

17. When a Person Authorised by the Council removes or makes arrangements for the removal of a Motor Vehicle from a Parking Place by virtue of Clause 15 of this Order he shall make such reasonable arrangements as may be reasonably necessary for the safe custody of the Motor Vehicle.

PART III

SEIZE AND STORE MOTOR VEHICLES ABANDONED ON PARKING PLACES

- 18.** The Council may as respects a Motor Vehicle which has been or could at any time be, removed from a Parking Place in pursuance of Clause 15 of this Order if it appears to them to have been abandoned, sell or otherwise dispose of the Motor Vehicle.

Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a Motor Vehicle unless there have been taken by the Council such of the following steps as are applicable to the Motor Vehicle and there has elapsed a period of six weeks beginning with the taking of the first of these steps.

- 19.** (1) Subject to the provisions of Clause 25 of this Order, where a Motor Vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver Vehicle Licensing Authority enquiring who it appears may be the Owner or Registered Keeper of the Motor Vehicle and the address of that person;
- (2) The first step for the purposes of the last and the next succeeding Clause shall be taken to be the sending of the notice mentioned in Clause 20.
- 20.** The Council may, where it is by virtue of the last preceding Clause is aware of the name and address of a person who it appears may be the Owner or Registered Keeper of the Motor Vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the Motor Vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as may be specified by the Council in the said notice or from such other place as may be subsequently notified in writing by the Council to that person.
- 21.** If any person to whom a notice is sent in accordance with the last preceding Clause informs the Council of the name and address of some other person who he alleges may be the Owner of the Motor Vehicle a notice stating the particulars mentioned in the last preceding Clause shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the Owner of the Motor Vehicle.
- 22.** Subject to the provision of Clause 25 of this Order, where a Motor Vehicle does not carry a registration mark issued under the Vehicles Excise and Registration Act 1994 the first step to be taken by a Council shall be to apply in writing to the Chief Officer of the police force in whose area is the Parking Place from which the Motor Vehicle has been or could at any time be, removed inquiring who that officer considers is the Owner of the Motor Vehicle and the address of that person.
- 23.** If, after steps have been taken under the foregoing provisions of this part of this Order a Motor Vehicle is not claimed, the Council shall make such further (if any) as they consider reasonable as to who may be the Owner of the Motor Vehicle and the address of that person.

- 24.** Where by virtue of Clauses 21 or 22 of this Order the Council is informed of the name and address of a person who it is considered may be the Owner of the Motor Vehicle Clauses 20 and 21 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Clause 20.
- 25.** Nothing in the foregoing provisions in this part of this Order shall require the Council to take any such step as is therein mentioned for the purpose of inquiring who is the Owner of a Motor Vehicle to which Clause 17 of this Order applies if they have found a person who satisfies them that he is in fact the Owner of that Motor Vehicle and they have sent him at his address a notice containing the particulars specified in Clause 19 of this Order, the sending of the notice being treated as the first step for the purposes of that Clause and the said Clause 17.
- 26.** Upon the sale of a Motor Vehicle by the Council it shall apply the proceeds of sale in satisfaction of any costs incurred by it in connection with the disposal thereof and towards any charge incurred to which the Council is entitled as regards the Motor Vehicle under Section 102 of the Act 1984.
- 27.** In the event of any such costs incurred by the Council in connection with the disposal of the Motor Vehicle not being satisfied by virtue of the last preceding Clause the Council may recoup those costs so far as not satisfied from the person who was the last Owner of the Motor Vehicle before it was removed from the Parking Place either in pursuance of Clause 15 of this Order or after it had been disposed of by virtue of the power of disposal conferred by this Order if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Clause 19 of this Order.
- 28.** Any sums received by the Council on sale of the Motor Vehicle after deducting any sum applied therein by virtue of Clause 25 of this Order shall be payable within a period of one year from the date of the sale of the Motor Vehicle to any person to whom but for such sale the Motor Vehicle would have belonged and in so far as any such sums are not claimed within the said period they shall be paid into the general rate fund of the Council.
- 29.** Where under the foregoing provisions of this part of this Order a notice is required to be or may be sent to a person the notice shall be sent by registered post or by recorded delivery service.

SCHEDULE 1

| Scale | Car Park / Type | Charges |
|-------|-----------------|---------|
| 1 | Long Stay | Free |

SCHEDULE 2

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 |
|------------------------------------|-------------------------------------|---|------------------|------------------------------|--|
| Name and Location of Parking Place | Hours of Operation of Parking Place | Max. Period for which vehicles may wait | No return within | Scale of Charges for Payment | Class of Vehicle (height of vehicle in metres) |
| Union Street, West Bromwich | At Any Time | 23 hours | N/A | Scale 1 | 2 |

THE COMMON SEAL of)
THE BOROUGH COUNCIL OF SANDWELL)
was hereunto affixed)
this 00th day of Month 2025)
in the presence of:-)

LEGAL MANAGER
(Authorised Signatory)