



**THE BURNLEY BOROUGH COUNCIL (OFF STREET  
PARKING PLACES) (PAY BY TELEPHONE) MINOR  
VARIATION ORDER 2017**

**Lukman Patel**

Head of Governance, Law, Property & Regulation

Burnley Borough Council

Town Hall

Manchester Road,

BURNLEY

BB11 9SA

# **BURNLEY BOROUGH COUNCIL**

## **THE BURNLEY BOROUGH COUNCIL (OFF STREET PARKING PLACES) (PAY BY TELEPHONE) MINOR VARIATION ORDER 2017**

Burnley Borough Council (hereinafter called "the Council") in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as "the 1984 Act") and all other enabling powers, with the consent of the Lancashire County Council in accordance with Section 39(3) of the 1984 Act 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:

### **General**

1. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in the Borough of Burnley (Off Street Parking Places) Order 2014
2.
  - a) In this Order except where the context otherwise requires, the following expressions have the meanings respectively assigned to them and the singular shall include the plural and vice-versa;

"Tariff"

the appropriate charge shown in the Scale of Charges listed in Column 7 of the Schedule;

"Maximum Period"

the period specified in Column 6 of the Schedule;

"Parking Meter" an apparatus of a type and design approved by the Secretary of State for Transport, Local Government and the Regions for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of a charge its date and the latest time until which it allows a Vehicle to park in the Parking Place and the provisions of Section 47(5) of the 1984 Act shall apply in respect of such apparatus;

"Parking Place" any area of land or premises specified by name in Column 1 of the Schedule which has been provided by the Council under Section 32(1) of the 1984 Act for use as a Parking Place;

"Credit Card" a written authorisation issued by a bank or other financial institution allowing the holder to obtain credit within a specified limit in order to make a direct payment for goods or services

"Debit Card" a written authorisation issued by a bank or other financial institution allowing the holder to make direct payment for goods or services from an account held with that bank or financial institution

"Vehicle" a Vehicle of the class or classes described in Column 3 of the Schedule;

"Parking Ticket" A currently valid ticket purchased from a Parking Meter

"Parking Meter" an apparatus of a type and design approved by the

Secretary of State for Transport for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of a charge its date and the latest time until which it allows a Vehicle to park in the Parking Place and the provisions of Section 47(5) of the 1984 Act shall apply in respect of such apparatus;

**"Transaction Fee"** the fee in addition to the Tariff for the payment of the Tariff by means of debit Card or Credit Card by mobile telephone as advertised by a notice at each Parking Place

**"Parking Period"** the period of time for which permission to leave the Vehicle in the Parking Place has been given as a result of the payment of the Tariff

### **Charging at Parking Places**

1. Article 4d) shall be amended to the following: -

4d) The Parking Ticket issued on payment of the Tariff referred to in subparagraph c) shall be exhibited on the Vehicle in the Relevant Position for the entire period that the Vehicle remains in the Parking Place so that the Tariff paid and the date and time that the Tariff was paid shown on the front of the Parking Ticket are clearly visible. If the Tariff is paid by Credit Card or Debit Card in accordance with Article 4e) in such circumstances there is no requirement to display a Parking Ticket or receipt showing proof of payment of the Tariff

2. Article 4e) shall be amended to the following: -

4e) The Tariff referred to in subparagraph c) of this Article shall be paid on the leaving of the said Vehicle in a Parking Place either by: -

- a. the insertion in a Parking Meter of a coin or coins of appropriate value as per the Tariff; or
- b. Credit Card or Debit Card by way of mobile telephone communication to the Council's agent.

3. Article 4f) shall be amended to the following: -

4f) A Vehicle shall not be left in a Parking Place after either: -

- a. the expiry of the period of validity of a Parking Ticket exhibited thereon, or
- b. the expiry of the Parking Period where the Tariff has been paid by debit or credit card

4. After Article 4g) is inserted: -

4h) Where payment of the Tariff is made by Credit Card or Debit Card by way of mobile telephone communication the payee shall disclose the: -

- a. call number of the mobile telephone
- b. identification number and any such detail as may be requested by or on behalf of the council relating to the Credit Card or Debit Card against which Tariff is being paid
- c. the location number of the Parking Place in respect of which payment is being made
- d. registration number of the Vehicle being parked

4i) Where payment of the Tariff is made by Credit Card or Debit Card by mobile telephone: -

- a. The Transaction Fee shall be payable at the time
- b. The Parking Period shall commence on receipt by the Council of the details specified in Article 4h)

4j) The payee of the Tariff in accordance with the paragraph 4e) b. may request to be informed by text message as to the imminent expiry of the Parking Period provided that where such text message is sent the appropriate Transaction Fee as advertised at each Parking Place has been paid.

4k) The Council shall display a Notice in every car park where the option of payment of the Tariff by Credit Card or Debit Card is available, such Notice shall display the location number of the Parking Place in which it is sited and provide operational guidance on the payment of the Tariff.

Article 6b) shall be amended to the following: -

6b) Article 4 subparagraphs b) to k) of this Order shall apply to the Parking Places specified in subparagraph a) to this Article as they apply to the Parking Places in Article 4 subparagraph a).

#### **Citation and Coming into Effect**

**THIS ORDER** shall come into operation on the 14<sup>th</sup> October 2017 and may be cited as "*THE BURNLEY BOROUGH COUNCIL (OFF STREET PARKING PLACES) (PAY BY TELEPHONE) MINOR VARIATION ORDER 2017*"

**THE COMMON SEAL** of the **COUNCIL**  
**OF the BOROUGH OF BURNLEY** was  
hereunto affixed this 28th day of September  
2017 in the presence of:

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20359.  
  
Authorised Signatory

  
Authorised Signatory