



**BURNLEY BOROUGH COUNCIL (REAR PARKER LANE)**  
**(OFF STREET PARKING PLACES) ORDER 2017**

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# **BURNLEY BOROUGH COUNCIL**

## **THE BURNLEY BOROUGH COUNCIL (REAR PARKER LANE) (OFF STREET PARKING PLACES) 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 this Order.
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;

"Charging Hours"      the hours specified in Column 5 of the Schedule;

"Civil Enforcement  
Officer"      a person duly authorised by or on behalf of the  
Council to supervise any Parking Place under  
Section 76 of the Traffic Management Act 2004  
(hereinafter referred to as 'the 2004 Act');

"Disabled Persons' Badge"	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;
"Disabled Persons' Vehicle"	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;
"Driver"	in relation to a Vehicle entering, leaving or waiting in a Parking Place, means the person who was driving the Vehicle at the time it was left in the Parking Place;
"Maximum Period"	the period specified in Column 6 of the Schedule;
"Owner"	in relation to a Vehicle means the person in whose name the Vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;
"Parking Bay"	any area of a Parking Place which has been provided for the leaving of a Vehicle and marked out as an area within the boundaries of which a Vehicle should be parked;
"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;

“Passenger” a person, other than the Driver, who is conveyed to and/or from the Parking Place in a Vehicle

“Penalty Charge Notice” has the same meaning as in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“Relevant Position” 1) in connection with the display upon a Vehicle of a Parking Ticket or Timeclock:

- a) If the vehicle is fitted with a front windscreen the aforesaid ticket, pass or permit shall be exhibited with the obverse side facing forwards on the near side of the vehicle and immediately behind the windscreen either attached to it or upon the dashboard or fascia so that the same, in its entirety, is readable from the outside of the Vehicle;
- b) In the case of a Vehicle not fitted with a front windscreen or dashboard or fascia the aforesaid ticket, pass or permit shall be exhibited in a conspicuous position on the Vehicle and readable in its entirety ;

2) in connection with the display upon the vehicle

of a Disabled Persons' Badge, the position defined in Section 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) (Regulations) 2000;

"Tariff"	the appropriate charge shown in the Scale of Charges listed in Column 7 of the Schedule;
"Contract Parking Pass"	a currently valid Contract Parking Pass issued by the Council under the provisions of Article 4 upon payment of the Tariff;
"Contract Parking Pass Holder"	the person to whom a Contract Parking Pass has been issued under the provisions of Article 4;
"Timeclock"	A device indicating the time the driver left the Vehicle in the Parking Place
"Vehicle"	a Vehicle of the class or classes described in Column 3 of the Schedule
"Operational"	In relation to the Schedule to this Order means that the job role requires frequent use of a car.
"Non-Operational"	In relation to the Schedule to this Order means: - that the job role does not require frequent use of a car.

### **Use of Parking Place**

3.

- a) The Parking Place specified by name in Column 1 of the Schedule may only be used, subject to the following provisions of this Order, as a

Parking Place for Vehicles, in such positions, on such days and during such hours, and on payment of such charges as are specified in relation to that Parking Place in the Schedule.

- b) Where, in the Schedule, the Parking Place is described as available for vehicles of a specified class or in a specified position, the Driver of a Vehicle shall not permit it to wait in that Parking Place;
  - i) unless it is of the specified class; and
  - ii) in a position other than wholly within a Parking Bay
- c) No Vehicle shall be left in a Parking Bay, or series of Parking Bays, marked by a sign corresponding to that numbered 661A in the Traffic Signs Regulations and General Directions 2016 other than a Disabled Persons' Vehicle displaying a current Disabled Persons' Badge issued in respect of the Driver of, or a Passenger in the said Vehicle and in which said Vehicle is displayed a Timeclock indicating the time of arrival in the Parking Bay.
- d) The period for which a Vehicle may be left in a Parking Place shall not exceed thirteen consecutive hours in any one period of twenty-four hours and the Driver of the Vehicle shall not leave it in any Parking Place for any longer period.

#### **Charging at Parking Places**

4.

- a) This Article applies to the Parking Places specified by name in Column 1 of the Schedule
- b) Subject to availability, the Owner of a Vehicle may, on application to the Council, purchase a Contract Parking Pass in respect of that Vehicle on payment of the Tariff and that Contract Parking Pass shall

be valid in such Parking Places and for such days of the week as are specified thereon during the period for which it was issued.

- c) The Tariff for a Vehicle left in the Parking Place during the Charging Hours shall be that specified in Column 7 of the Schedule.
- d) The Contract Parking Pass 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.
- e) A Vehicle shall not be left in a Parking Place after the expiry of the period of validity of a Contract Parking Pass, exhibited thereon
- f) Nothing in this Article shall apply to Vehicles of the Emergency Services while in use for such purposes

### **General Management of the Parking Places**

5.

- a) A Vehicle remaining in the Parking Place shall be at the Owner's or Driver's risk and the Council shall not be liable for loss or damage to the Vehicle or its contents howsoever such loss or damage may arise other than loss or damage occasioned by the act, default, omission or neglect of the Council or its servant or agents.
- b) In the Parking Place the Driver of a Vehicle shall comply with any instructions which may be given by a Civil Enforcement Officer or which may be contained on any Contract Parking Pass which the Driver may obtain in accordance with the provisions of this Order and in particular he shall remove the Vehicle from the Parking Place on being asked to do so.
- c) Where in a Parking Place signs are erected or surface markings are laid for the purpose of:

- a. indicating the entrance to or exit from the Parking Place, or
  - b. indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place
6. The Owner or Driver of a Vehicle shall not permit it to remain in the Parking Place for longer than the Maximum Period specified in Column 6 of the Schedule
7. The Driver of a Vehicle which is using the Parking Place shall stop the engine of the Vehicle as soon as it has taken up its position in a Parking Bay in the Parking Place and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.
8. Whilst a Vehicle is in the Parking Place no person shall use it in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or hiring of his skills or services unless such selling of articles or selling or hiring of skills and services has been authorised by the Council's Markets Services and the Council's Streetscene Unit.
9. No person shall use the Parking Place in connection with the sale of any Vehicle remaining therein nor for the dismantling of a Vehicle nor for the purpose of effecting repairs to a Vehicle other than such repairs as may be necessary to enable the Vehicle to leave the Parking Place.
10. The Driver of a Vehicle shall not permit that Vehicle either to enter or wait in the Parking Place unless the Vehicle is licensed in pursuance of the provisions of the Vehicles (Excise) Act 1971, and unless there is, in relation to the use of the Vehicle by the Driver, such a policy of insurance as complies with the requirements of the Road Traffic Act 1988.



11. The Driver of a Vehicle using the Parking Place shall not sound any horn or other similar instrument, except in an emergency or when about to change the position of the Vehicle in or to depart from the Parking Place.
12. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in the Parking Place for any purpose, other than the purpose of leaving that Vehicle in the Parking Place, in accordance with the provisions of this Order, or for the purpose of departing from the Parking Place.
13. No person shall, in the Parking Place, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or occupiers of premises in the neighbourhood.
14. No person shall, in the Parking Place, use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
15. In the Parking Place, no person shall:
  - a. erect or cause or permit to be erected any tent, booth, stand, building or other structure without the consent of the Council's Markets Services and the Council's Streetscene Unit; or
  - b. light or cause or permit to be lit any fire.
16. No person shall, in the Parking Place, either encourage other persons to, or themselves take part in, any recreational activity without the written consent of the Council.

#### **Removal of Vehicle from Parking Place**

17.

- a) If a Vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.
- b) If a Vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order, a person authorised by the Council in that behalf may remove the Vehicle from that Parking Place or arrange for such removal.
- c) For the purpose of meeting the requirements of an emergency, a person authorised on behalf of the Council in that behalf or a Police Constable in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from the Parking Place.
- d) Any person altering, or causing the alteration of the position of a Vehicle by virtue of subparagraph a) of this Article, or removing or causing the removal of a Vehicle, by virtue of subparagraphs b) or c) of this Article may do so by towing or driving the Vehicle or in such other manner as he may think reasonably necessary to enable the position of the Vehicle to be altered or the Vehicle to be removed.
- e) Any person removing or arranging for the removal of a Vehicle by virtue of subparagraphs b) and c) of this Article shall make such arrangements as he considers necessary for the safety of the Vehicle in the place to which it is removed.
- f) When a Vehicle has been removed or its position altered, by virtue of any provision of this Article the Council may recover the expenses reasonably incurred in doing so from the Owner of the Vehicle.

### Contravention of this Order

18. If a Vehicle is left in a Parking Place in contravention, of or non-compliance with, any Article in this Order, Part 6 of the 2004 Act shall apply.

### Presumptions in Legal Proceedings

19. Payment of the relevant Tariff for a Vehicle left in a Parking Place in accordance with Article 4 of this Order shall be indicated by the display in the Relevant Position (for the entire period that the Vehicle remains in the Parking Place) of a valid Contract Parking Pass.

### Citation and Coming into Effect

**THIS ORDER** shall come into operation on the 6<sup>th</sup> October 2017 and may be cited as "*The Burnley Borough Council (Rear Parker Lane) (Off Street Parking Places) Order 2017*".

**THE COMMON SEAL** of the **COUNCIL** )  
**OF the BOROUGH OF BURNLEY** was )  
hereunto affixed this 5<sup>th</sup> day of October )  
2017 in the presence of: )



A handwritten signature in black ink, appearing to be 'G. B. B.', written over a horizontal line.

Authorised Signatory

A handwritten signature in black ink, appearing to be 'J. R. B.', written over a horizontal line.

Authorised Signatory

## SCHEDULE

Name of Parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking Place	Hours of charging	Maximum period for which vehicles may wait	Scale of Charges
Rear Parker Lane, Burnley (as shown edged red on the plan attached to this Order)	Wholly within a Parking Bay	<ol style="list-style-type: none"> <li>Motor cars, as defined in Section 136(2)(a) of the 1984 Act</li> <li>Motor vehicles, constructed or adapted for use for the conveyance of goods or burden, the laden or unladen weight of which does not exceed 1530 Kilograms</li> <li>Disabled Persons' Vehicles as defined in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000</li> </ol>	Any time during any day	8.00am to 9.00pm Monday to Saturday excluding Bank and Public Holidays	13 hours in any period of 24 hours	<p>Operational (pro-rata for part-time employees) £283.55 per year</p> <p>Non-Operational (pro-rata for part-time employees and 20% for councillors) £325.90 per year</p>



DRAWING NUMBER

**Rear Parker Lane Car Park,  
Burnley  
Off Street Parking Places Order**  
Boundary of area covered by order edged in red



**Burnley Borough Council  
STREETSCENE - ENGINEERING**

Engineer to the Council  
W. L. Robinson B.Eng(Hons); C.Eng; M.I.C.E.  
20 Nicholas Street, Burnley, Lancs. BB1 1 2AP  
Tel: (01282) 425011

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