

Dated 1ST FEBRUARY

2010

**THE BOROUGH COUNCIL OF PENDLE
CUBA STREET, NELSON OFF-STREET (RESIDENTS ONLY) PARKING
ORDER 2010 NUMBER 1**

R Townson
Democratic and Legal Services Manager
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Market Street
Nelson
BB9 7LG

**THE BOROUGH COUNCIL OF PENDLE
CUBA STREET, NELSON OFF-STREET (RESIDENTS ONLY) PARKING
ORDER 2010, NUMBER 1**

- (i) The Borough Council of Pendle (in this Order called the Council) has the power under section 32 of the Road Traffic Regulation Act 1984 to provide off-street parking places where it appears to the Council that such parking places are necessary to relieve or prevent congestion of traffic.
- (ii) The Council may by order state which vehicles or class of vehicles may use the parking places, the conditions on which they may use it, the charges to be paid for parking, the use of a device which indicates the time when the vehicle arrived at the parking place and other matters (this is under section 35 of the Road Traffic Regulation Act 1984).
- (iii) Before making an order the Council must obtain the consent of Lancashire County Council and must consult the chief officer of the Lancashire Police (this is required respectively under section 39(3) and paragraph 20 of Schedule 9 to the Road Traffic Regulation Act 1984).
- (iv) With the consent of Lancashire County Council and after consulting the Lancashire Police the Council makes the following order:

PART 1

Commencement

1. This Order shall come into force on 1 February 2010 and is called the Borough Council of Pendle Cuba Street, Nelson Off-Street (Residents Only) Parking Order 2010 Number 1.

Definitions

2. In this Order the following expressions have the following meanings

“the Car Park”	is that part of the car park at Cuba Street, Nelson which is marked as being for residents only and which is shown hatched black on the attached plan
“a civil enforcement officer”	a person in uniform appointed by the Council to enforce parking contraventions or appointed for that purpose by a company under arrangements with the Council
“dispensation”	a dispensation from the Council allowing a vehicle to park at the Car Park without complying with this Order or without complying with specified provisions of this

	Order and which may be granted subject to conditions
“owner”	<p>is (i) the person recorded as the keeper of the vehicle in the records maintained under the Vehicle Excise and Registration Act 1994;</p> <p>or</p> <p>(ii) the person who hired the vehicle where the vehicle is hired from a vehicle-hire firm under a hiring agreement provided that the procedure in the regulation 5(3) of The Civil Enforcement of Parking Contraventions England) General Regulations 2007 has been complied with</p>
“parking bay”	an area of the Car Park which is provided for parking a vehicle and marked out as such
“Resident’s Permit”	a badge issued by Pendle Borough Council to residents of 12 to 62 Carr Road(even numbers only) and 23 to 45 Carr Road (odd numbers only, Nelson and 110 Every Street, Nelson permitting them to park in the Car Park
“vehicle”	<p>a mechanically propelled vehicle which weighs less than three tons except</p> <ul style="list-style-type: none"> (i) vehicles pulling a trailer (ii) campervans (ii) motorcycles (iii) hackney carriages and private hire vehicles in the course of being used as such

Use of the Car Park

3. Only vehicles displaying a Resident’s Permit inside the vehicles may be parked in the Car Park subject to the following provisions:
 - 3.1 vehicles must enter and leave the Car park in accordance with directions displayed at the Car Park
 - 3.2 vehicles must not be parked on any part of the Car Park other than wholly within a parking bay

Resident's Permits

4. A Resident's Permit must be displayed in the vehicle at all times while the vehicle is parked in accordance with the following:
 - 4.1 the Resident's Permit must be displayed
 - 4.1.1 on the dashboard or the fascia of the vehicle, or
 - 4.1.2 at the front of the vehicle in a conspicuous positionin each case so that it is clearly visible from the outside of the vehicle
 - 4.2 only Resident's Permits which are clearly legible shall be displayed
 - 4.3 only valid Resident's Permits shall be displayed.
5. The Council shall on application issue a Resident's Permit permitting a specified vehicle to be parked in the Car Park subject to the applicant
 - 5.1 completing the Council's application form
 - 5.2 satisfying the Council that he is a resident of one of the following addresses
 - 5.2.1 12 to 62 (even numbers only) Carr Road, Nelson
 - 5.2.2 23 to 45 (odd numbers only) Carr Road, Nelson
 - 5.2.3 110 Every Street, Nelson
 - 5.3 satisfying the Council that he owns the vehicle which he wishes to park in the Car Park
 - 5.4 paying the fee set by the Council for issuing Resident's Permits.
6. Only one Resident's Permit shall be issued per residence except that the Council may in its discretion issue more than one Resident's Permit per residence where after taking all the circumstances into account the Council is satisfied that it is fair to issue an additional Resident's Permit and it is satisfied that there is sufficient parking bays in the Car Park to accommodate an additional Resident's Permit.
7. A Resident's Permit shall last for one year.
8. A Resident's Permit shall be in writing and shall specify
 - 8.1 the registration number of the vehicle to which it relates,

8.2 the date it expires.

9. A Resident's Permit is valid so long as

9.1 it has not expired

9.2 the permit holder is still resident at one of the addresses listed in 5.2 above

9.3 the permit holder owns the vehicle to which it relates

9.4 it has not been cancelled by the Council

9.5 the vehicle remains within the definition of vehicle as given in article 2 of this Order and has not been adapted to take it outside that definition.

10. The Council may cancel a Resident's Permit if

10.1 the permit holder misuses it

10.2 the permit holder ceases to live at one of the addresses listed at 5.2 above

10.3 the permit holder ceases to own the vehicle to which it relates

10.4 the Car Park or any part is no longer available for parking.

Exempt vehicles

11. Nothing in this Order shall prohibit the use of the Car Park by

11.1 police and fire service vehicles and ambulances acting in an emergency

11.2 vehicles in use for the repair and maintenance of the Car Park.

Risk

12. The Council accepts no responsibility for any loss or damage to a vehicle using the Car Park unless such loss or damage is caused by the Council's negligence.

Suspension

13. The Council may suspend the use of the Car Park or any part of it by displaying a notice on or near the Car Park and no vehicle shall use the Car Park or that part of it while it is suspended.

Prohibited Activity

14. No person shall

14.1 put up a tent, booth, stand or other structure in the Car Park without the prior permission of the Council

14.2 camp, cook, picnic or play any sport or game in the Car Park

14.3 sell, or display any vehicle for sale on the Car Park

14.4 repair, maintain, wash or clean a vehicle in the Car Park

14.5 display any notice or advertisement at the Car Park

14.6 sell any item at the Car Park or display any item for sale at the Car Park

14.7 carry on a business from the Car Park.

Removing a vehicle

15. When a vehicle is left in the Car Park in contravention of articles 3.2, 4, 8 or 9 the Council may arrange for its removal and charge the cost of such removal to the owner.

16. A vehicle may be removed by towing, driving or by a vehicle transporter.

17. The Council shall remove the vehicle to a secure location and as soon as reasonably practicable will notify the owner by post that it has been removed, the reason for removal, the location where it is stored and any costs to be paid by the owner.

18. The Council will notify the police whenever it removes a vehicle from the Car Park.

Parking contravention

19. Any contravention of or non-compliance with a provision of this Order is a parking contravention in relation to the vehicle concerned for the purposes of paragraph 4 of Schedule 7 to the Traffic Management Act 2004 and regulation 4 of The Civil Enforcement of Parking Contraventions (England) (General) Regulations 2007

IN WITNESS whereof the Common Seal of the Borough Council of Pendle
was hereunto affixed this *1ST* day of *FEBRUARY* 2010

THE COMMON SEAL of the Borough Council
of Pendle was hereunto affixed in the presence of:-

R. Jones

Democratic and Legal Services Manager



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