

Dated 1<sup>st</sup> JANUARY 2010

**THE BOROUGH COUNCIL OF PENDLE  
TUNSTILL SQUARE, BRIERFIELD OFF-STREET PARKING ORDER 2010  
NUMBER 1**

R Townson  
Democratic and Legal Services Manager  
Town Hall  
Market Street  
Nelson  
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**THE BOROUGH COUNCIL OF PENDLE  
TUNSTILL SQUARE BRIERFIELD OFF-STREET 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 January 2010 and is called the Borough Council of Pendle Tunstill Square Brierfield Off-Street Parking Order 2010 Number 1.

**Definitions**

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

<b>“the Car Park”</b>	is the parking place at Tunstill Square, Brierfield shown coloured grey on the attached plan
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<b>“a civil enforcement officer”</b>	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
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<b>“dispensation”</b>	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
<b>“long-stay section”</b>	the section of the car park marked “long stay” in which vehicles can park for up to twelve hours at a time
<b>“owner”</b>	<p>is (i) the person recorded as the keeper of the vehicle in the records maintained under the Vehicle Excise and Registration Act 1994; 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>
<b>“a parking clock”</b>	is a device approved by the Council that is capable of showing the time a vehicle is parked in a parking bay
<b>“parking bay”</b>	an area of the Car Park which is provided for parking a vehicle and marked out as such
<b>“short-stay section”</b>	the section of the car park marked “short stay” in which vehicles can park for up to two and a half hours at a time timed by a parking clock
<b>“vehicle”</b>	<p>a mechanically propelled vehicle which weighs less than three tons <b>except</b></p> <ul style="list-style-type: none"> <li>(i) a vehicle pulling a trailer</li> <li>(ii) campervans</li> <li>(ii) motorcycles</li> <li>(iii) hackney carriages and private hire vehicles in the course of being used as such</li> </ul>

### **Use of the Car Park**

3. Vehicles may be parked in the short stay section of the Car Park for up to two-and-a-half hours at a time timed by a parking clock displayed inside the vehicles 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 be parked wholly within a parking bay
  - 3.3 vehicles must not be parked on any part of the Car Park other than wholly within a parking bay

### **Long Stay Parking**

4. Vehicles may be parked in the long-stay section of the Car Park for up to twelve hours at a time subject to the following provisions:
  - 4.1 vehicles must enter and leave the Car Park in accordance with directions displayed at the Car Park
  - 4.2 vehicles must be parked wholly within a parking bay
  - 4.3 vehicles must not be parked on any part of the Car Park other than wholly within a parking bay

### **Parking clocks**

5. A parking clock must be displayed in the vehicle at all times while the vehicle is parked in the short-stay section of the Car Park in accordance with the following:
  - 5.1 the parking clock must be set to the time when the parking started
  - 5.2 the parking clock must be displayed
    - 5.2.1 on the dashboard or fascia of the vehicle
    - 5.2.2 at the front of the vehicle in a conspicuous positionin each case so that the clock is clearly visible from the outside of the vehicle
  - 5.3 only parking clocks which are clearly legible must be displayed.
  - 5.4 The parking clock must not be altered once the starting time of parking has been set.



### **Return**

6. No vehicle shall be returned to the Car Park and parked within two hours of previously having parked there.

### **Exempt vehicles**

7. Nothing in this Order shall prohibit the use of the Car Park by
  - 7.1.1 police vehicles, fire service vehicles and ambulances acting in an emergency,
  - 7.1.2 vehicles in use for the repair and maintenance of the Car Park.

### **Risk**

8. 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**

9. 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**

10. No person shall
  - 10.1 put up a tent, booth, stand or other structure in the Car Park without the prior permission of the Council
  - 10.2 camp, cook, picnic or play any sport or game in the Car Park
  - 10.3 sell, or display any vehicle for sale on the Car Park,
  - 10.4 repair, maintain, wash or clean a vehicle in the Car Park
  - 10.5 display any notice or advertisement at the Car Park.
  - 10.6 sell any item at the Car Park or display any item for sale at the Car Park.
  - 10.7 carry on a business from the Car Park.

### **Removing a vehicle**

11. When a vehicle is left in the Car Park in contravention of articles 3.2, 3.3, 4, 5, 6, 9 or 10 the Council may arrange for its removal and charge the cost of such removal to the owner.
12. A vehicle may be removed by towing, driving or by a vehicle transporter.
13. 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.
14. The Council will notify the police whenever it removes a vehicle from the Car Park.

### **Parking contravention**

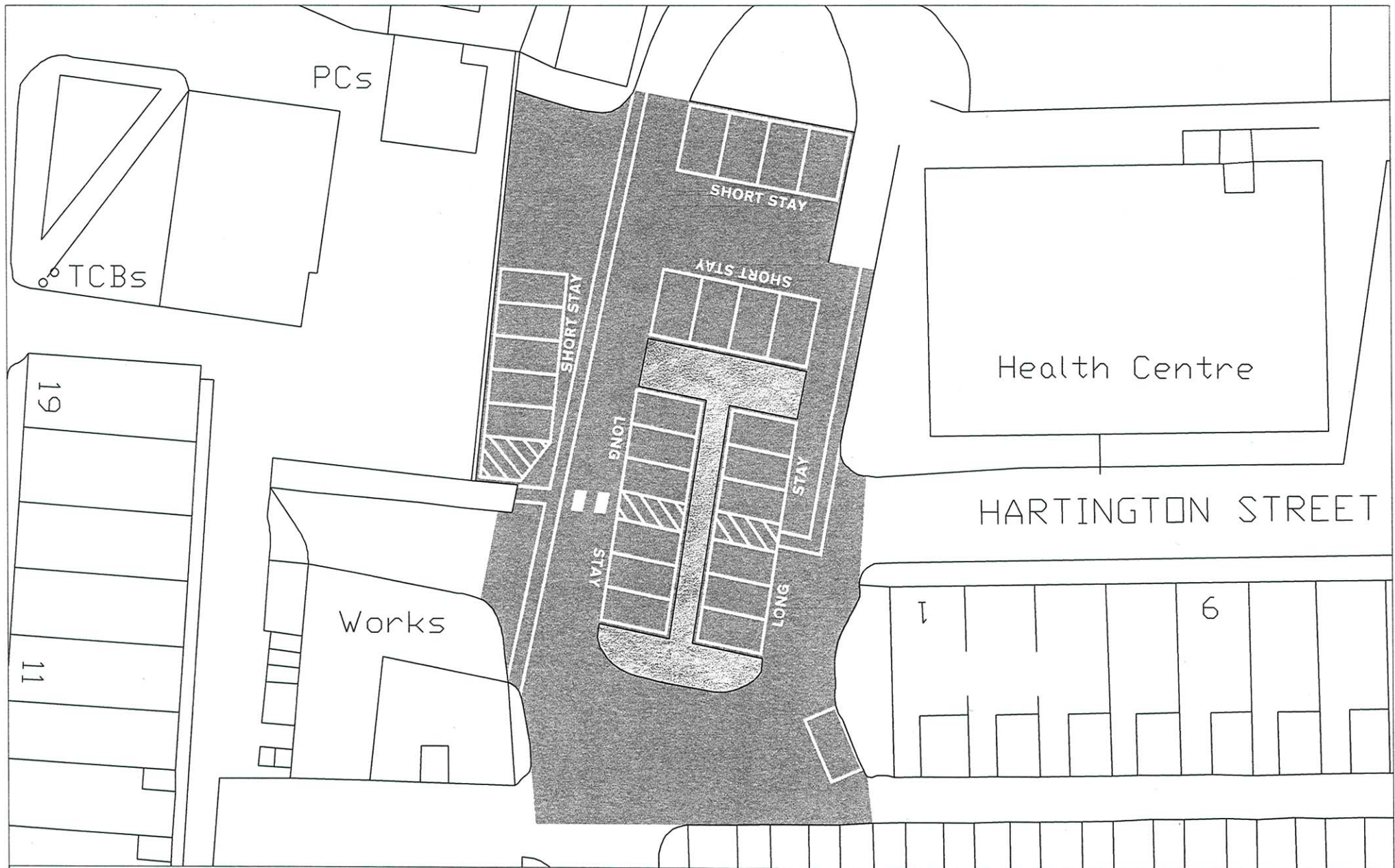
15. Any contravention of or non-compliance with a provision of this Order is a parking contravention in relation to the vehicle concerned for the purposes of paragraph 4 of Schedule 7 to the Traffic Management Act 2004 and regulation 4 of The Civil Enforcement of Parking Contraventions (England) (General)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

IN WITNESS whereof the Common Seal of the Borough Council of Pendle was hereunto affixed this 1st day of JANUARY 2010

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

  
Richard Townson  
Democratic and Legal Services Manager





**Engineering and Special Projects**  
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**PROJECT:**  
 Car Park Layout

**TITLE:**  
 Tunstall Square,  
 Brierfield

**DRAWN BY:** N Y

**FILE REF:**

**REVISIONS / NOTES**

**CHECKED:** F W

**SCALE:** 1 : 250

**DATE:** 04 November 2008

**DRAWING NUMBER:**