



**BURNLEY BOROUGH COUNCIL (VISION PARK, BURNLEY)**  
**(OFF STREET PARKING PLACES) ORDER 2017**

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Head of Governance, Law, Property & Regulation  
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Manchester Road,  
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BB11 9SA

# BURNLEY BOROUGH COUNCIL

## THE BURNLEY BOROUGH COUNCIL (VISION PARK) (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;

"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');

"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;
“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;
“Motorcycle”	has the same meaning as in Section 136(4) of the 1984 Act
“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 Bay Number”	The specific number allocated to a Parking Bay;
“Parking Permit”	A permit issued by Burnley Borough Council under Article 3d;
“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 Permit or Timeclock:  
a) If the vehicle is fitted with a front windscreen the aforesaid permit or timeclock 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 permit or timeclock 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;
- "Vehicle" a Vehicle of the class or classes described in Column 3 of the Schedule

## 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 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 must also display a valid Parking Permit.
- d) The Driver of the Vehicle shall not leave the Vehicle in the Parking Place unless express permission is given by Burnley Borough Council by way of the issue of a Parking Permit.
- e) The Driver of the Vehicle shall only leave the Vehicle in the Parking Place in a Parking Bay that has the Parking Bay Number corresponding with that printed on the issued Parking Permit.
- f) The Parking Permit referred to in subparagraph d) 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 period of validity and the Parking Bay Number for which the Parking Permit is valid shown on the front of the Parking Permit are clearly visible.

- g) A Vehicle shall not be left in the Parking Place after the expiry of the period of validity of a Parking Permit exhibited thereon.
- h) Nothing in this Article shall apply to Vehicles of the Emergency Services while in use for such purposes.
- i) No Vehicle shall be left in a Parking Bay marked by a sign corresponding to that numbered 801 and 804.4 in the Traffic Signs Regulations and General Directions 2002 and marked 'SOLO MOTORCYCLES ONLY' other than a Motorcycle.
- j) A Motorcycle shall not park anywhere in the Parking Place other than in a Parking Bay marked by a sign corresponding to that numbered 801 and 804.4 in the Traffic Signs Regulations and General Directions 2002 and marked 'SOLO MOTORCYCLES ONLY' other than a Motorcycle.

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

4.

- 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 Parking Permit 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.

no person shall drive or cause or permit to be driven any Vehicle:

- a. so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit, so indicated, or
- b. in a direction other than that specified, as the case may be.

5. 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.
6. 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 Facilities Management Unit and the Council's Streetscene Unit.
7. 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.

8. 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.
9. 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.
10. No person shall, except with the permission of a person authorised by the Council on their 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.
11. 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.
12. 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.
13. 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 Facilities Management Unit and the Council's Streetscene Unit;  
or



b. light or cause or permit to be lit any fire.

14. 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**

15.

- 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 on their 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 on their 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 on their 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**

16. 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.

**Citation and Coming into Effect**

**THIS ORDER** shall come into operation on the 29<sup>th</sup> September 2017 and may be cited as *"The Burnley Borough Council (Vision Park) (Off Street Parking Places) Order 2017"*

THE COMMON SEAL of the COUNCIL )  
OF the BOROUGH OF BURNLEY was )  
 hereunto affixed this 21<sup>st</sup> day of September )  
 2017 in the presence of: )

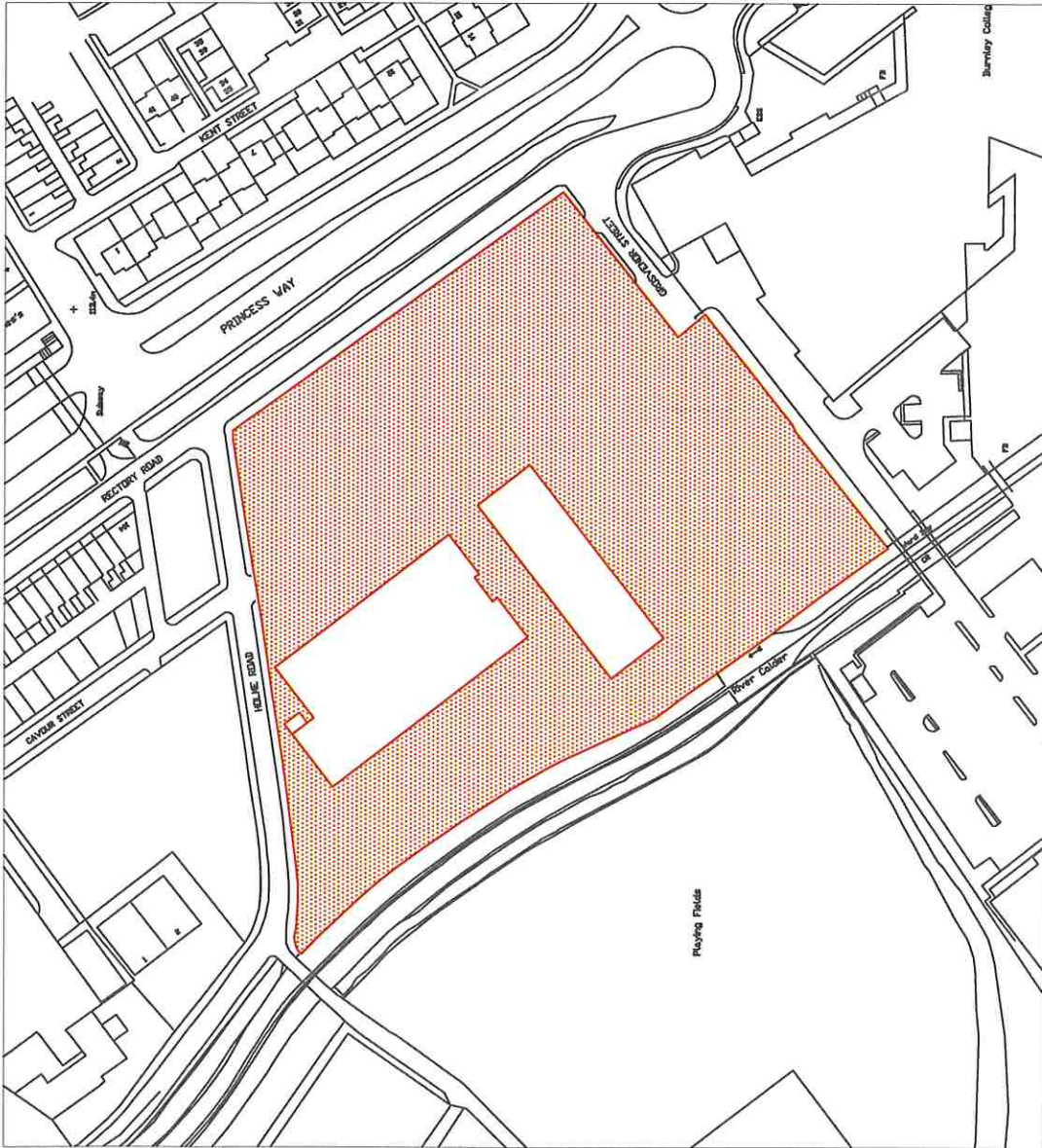


*[Handwritten Signature]*  
 Authorised Signatory

*[Handwritten Signature]*      *[Handwritten Signature]*  
 Authorised Signatory

SCHEDULE

Name of Parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking Place	Hours of Operation	Maximum period for which vehicles may wait	Scale of Charges
Vision Park, Burnley (as hatched red on the plan attached to the Order)	Wholly within a Parking Bay	Any	All days	24 hours	The length of time specified in the Parking Permit issued under Article 3g	Nil



Notes:  
Extent of area to be covered by Order shaded red.

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SCALES 1:2000  
DATE JUNE 17

**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  
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# Vision Park - Off Street Parking Places Order

DRAWING NUMBER