

**SUBJECT: LINCOLN CENTRAL BUS STATION – BUS STATION ORDER**

**DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK**

**REPORT AUTHOR: CAROLYN WHEATER – CITY SOLICITOR**

## **1. Purpose of Report**

- 1.1 To seek authority of the Executive to confirm the making of the City of Lincoln Council (Lincoln Central Bus Station) Order 2018 following expiry of the statutory period of public consultation and subject to no written objections being received during the statutory consultation period.

Or, in the event of a written objection(s) being lodged during the statutory consultation period to delegate authority to the City Solicitor to confirm the making of the Order pursuant to any objection(s) being withdrawn.

To authorise the revocation of the City of Lincoln (City Bus Station) Order 1992.

## **2. Executive Summary**

- 2.1 As part of the Lincoln Transport Hub project the Lincoln Central Bus Station element of the scheme is scheduled to commence operation on 28 January 2018.
- 2.2 The previous bus station was governed and operated in accordance with the City of Lincoln (City Bus Station) Order 1992.
- 2.3 As the new Lincoln Central Bus Station will operate from a new location, albeit close in proximity to the previous bus station, it has been necessary to pursue a new Order to designate the Lincoln Central Bus Station as a station for public service vehicles to be used subject to the provisions of the Order namely, the permitted classes of vehicle, the periods and conditions for use, the positions for parking, the payment of charges for use and the penalty charge for non-compliance or contravention.

## **3. Background**

- 3.1 As a consequence of the Lincoln Central Bus Station due to commence operation on 28 January 2018 officers have commenced the legal procedure necessary to implement an Order governing its operation and to revoke the existing Lincoln (City Bus Station) Order 1992.

#### **4. Main Body of Report**

- 4.1 The new bus station operating order titled 'The City of Lincoln Council (Lincoln Central Bus Station) Order 2018 is largely the same as the 1992 Order save that minor amendments have been made to it to give effect to changes in the legislation.
- 4.2 The procedure for obtaining an order is detailed within the Road Traffic Regulation Act 1984 and in brief stipulates a period of mandatory consultation must be undertaken with statutory consultees including the highways authority, police and traffic commissioners. The Act also requires a period a public consultation after publication of the proposal in at least one local newspaper. The statutory consultees were consulted in early October. No responses were received from the statutory consultees. The Publication of proposal was published in the Lincolnshire Echo on 9 November 2017 and allows for any objections to be made to the Council no later than midnight on 20 December 2017.
- 4.3 Whilst only a discretionary requirement, public notices have been displayed in the immediate vicinity of the Lincoln Central Bus Station.
- 4.4 There have been no objections to the proposed Order, however as the consultation period is unexpired at the time of writing this report there is the opportunity for objections to be received at a future date. A verbal update will be given at the meeting of the Executive on 8 January 2018.
- 4.5 Whilst the Lincoln (City Bus Station) Order 1992 prescribed the amount of departure charge to be levied upon a bus operator, the proposed Order does not specify these charges. These charges will be contained within an Operator's Agreement which each bus station operator will be require to enter into. This will provide greater flexibility to the Council in altering, if necessary, such amount of charge due to the effluxion of time, whereas if the departure charges had been specified within the new bus station Order these would have been difficult to amend as such amendment would have triggered the need for further statutory and public consultation in order to pursue a new Order.
- 4.6 The proposed Order specifies the amount of penalty charge attributable to particular contraventions of the Order.

#### **5. Strategic Priorities**

- 5.1 Let's enhance our remarkable place  
A fit for purpose transport interchange in the heart of the City to service residents' businesses and visitors is a key component and requirement of the successful delivery of the growth of the City.

#### **6. Organisational Impacts**

- 6.1 Finance (including whole life costs where applicable)  
Minor costs are associated with this procedure, namely in relation to the publication of the notice of proposals (£275). In the event that the Order is confirmed there will be an additional cost associated with the placing of a further public notice in the Lincolnshire Echo to approximately the same value. These

costs will be met from within existing budgets.

## 6.2 Legal Implications including Procurement Rules

The procedure required to implement the proposed Central Bus Station Order has been undertaken in accordance with the requirements of the Road Traffic Regulation Act 1984.

Any person may object, in writing, to the Council stating the grounds relied upon by the objector. Any unresolved objection would trigger a public inquiry. A public inquiry would inevitably add delay and cost to implementing the Order. Whilst the Order remains unmade this would not preclude the operation of the bus station commencing albeit it would preclude the Council from being able to regulate the use of the bus station in accordance with those provisions of the Order and additionally the Council would be precluded in the interim from enforcing against any person contravening the provisions set out in the proposed Order.

The development of the project has used the SCAPE Framework agreement which is a national procurement framework that is OJEU compliant.

## 7. Risk Implications

- 7.1 In order for the Lincoln Central Bus Station to operate effectively and with the benefit of being able to rely on enforcement sanctions the Order needs to be implemented. In the absence of implementation of the Order the Lincoln Central Bus Station may be susceptible to use that is not in strict accordance with the provisions drafted within the Order and may leave the Council with limited enforcement sanctions, or alternatively, compel the Council to enforcement action against a person using alternative legal powers that will likely increase officer time and cost to resolve.

## 8. Recommendation

- 8.1 Subject to no written objections being received by midnight of the 20<sup>th</sup> December 2017, to confirm the making of the City of Lincoln Council (Lincoln Central Bus Station) Order 2018 and to authorise the revocation of the City of Lincoln (City Bus Station) Order 1992.
- 8.2 In the event that written objections are received during the consultation period, to grant authority to the City Solicitor to confirm the making of the Order subject to the subsequent withdrawal of any outstanding objection. At the time of doing so, to authorise the City Solicitor to use delegated powers to revoke the City of Lincoln (City Bus Station) Order 1992.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?**

One

**List of Background Papers:**

The City of Lincoln Council (Lincoln Central Bus Station) Order 2018.

**Lead Officer:**

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