

**THE CITY OF LINCOLN COUNCIL (LINCOLN CENTRAL BUS STATION)**

**ORDER 2018**

The City of Lincoln Council ("the Council") in exercise of the powers under Sections 32, 35, 38 of the Road Traffic Regulation Act 1984 ("the Act of 1984") and The Traffic Management Act 2004 ("the Act of 2004") and of all other enabling powers and following consultation with the Chief Officer of Police in accordance with Parts I to III of Schedule 9 to the Act of 1984 hereby make the following Order:

**Implementation, Citation and Definitions**

1. This Order shall come into operation on the 14<sup>th</sup> January 2018 and may be cited as "The City of Lincoln Council (Lincoln Central Bus Station) Order 2018".
- 2 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"departure bay" means an area marked as such in the parking place and set aside for the parking of public service vehicles in service for the carriage of passengers.

"discounted penalty charge" in relation to the parking place means the amount specified in Column 4 of Schedule 2 to this Order.

"driver" in relation to a vehicle waiting in contravention of the Order in the parking place means the person driving the vehicle

at the time it was left at that contravention or the person deemed to be the driver.

"local services" has the same meaning as in Section 2 of the Transport Act 1985.

"long distance service" means a service which carries passengers, the majority of whom travel to or from points outside Lincolnshire.

"motor vehicle" has the same meaning as in Section 136 of the Act of 1984.

"owner" in relation to a motor vehicle means a person by whom such a vehicle is kept and used.

"parking place" means the Lincoln Central Bus Station.

"penalty charge" in relation to the parking place means the amount specified in column 3 of the Schedule 2 to this Order.

"public service vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981.

"security vehicle" in relation to Articles 10 (2) (d) and 27 (3) of this order means a vehicle which is in the parking place for the purpose of collecting cash from any public service vehicle operator authorised to use the parking place.

"vehicular aisle" means the whole of the area between the departure bays and the northern and southern ends of those bays as shown on the plan at Schedule 1 to this Order.

3. (1) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any

subsequent enactment.

- (2) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations.
4. Part I of this Order relates to the parking place shown edged in red on the plan at Schedule 1 to this Order and described in that Schedule.

## **Part 1 Lincoln Central Bus Station**

### **Section 1**

#### **General Provisions Relating to the Parking Place**

5. The parking place described in Schedule 1 to this Order is hereby appointed as a station for public service vehicles.
6.
  - (1) The parking place controlled by this Part of this Order may be used, subject to the following provisions of this part of this Order only as a parking place for such classes of vehicles and under such conditions, in such positions, on payment of such charges and during such periods as are specified in the following Sections of this Part of the Order and authorised in writing to use the parking place by the Council.
  - (2) The driver of a vehicle parked in a departure bay or vehicular aisle which is not of a class or being used for a purpose specified in Articles 27(1) or 30(2) (ii) shall, in addition to being liable for a contravention or non-compliance with a provision of this Order, pay the penalty charge specified in Item 2 of

Schedule 2 to this Order.

7. The provisions of Section 35 (7) of the Act of 1984 shall not apply in this Order in relation to public service vehicles parked in a departure bay in the parking place.
8. Where any of the departure bays within the parking place are marked as not available for use no vehicle shall be parked in any of those bays unless as may be required by a person authorised by the Council.
9. No person shall leave or cause or permit to be left any vehicle in the entrance or exit lanes to the parking place or in any vehicular aisle or in such other position so as to cause an obstruction or a nuisance to any vehicles or persons using the parking place.
10.
  - (1) No person shall, except with the permission of any person authorised by the Council, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Part of this Order or for the purpose of departing from the parking place.
  - (2) Nothing in sub-paragraph (1) of this Article shall apply:
    - (a) to any vehicle in the service of the local authority which is required to be in the parking place for the purpose of clearing, cleansing or maintenance of the parking place.
    - (b) to any vehicle attending any other vehicle in the parking place as provided for in Article 30(2) (ii).
    - (c) to any vehicle which is in the parking place with the permission of a person authorised by the Council.
    - (d) to any security vehicle proceeding in the parking place

for the purpose of gaining access to or leaving a departure bay when being used for the purpose of cash collection from any public service vehicle operator authorised to use the parking place in accordance with the provisions of Article 27(3).

11. The driver of a motor vehicle using the parking place shall stop the engine and apply the handbrake as soon as the vehicle is in position in the parking place and shall not release the handbrake or start the engine except when about to change the position of the vehicle in or to depart from the parking place.
12. (a) No person, other than the driver or owner of a vehicle parked in the parking place, or a person acting with the permission or authority of the driver or owner, or a person authorised by the Council in accordance with part (b) of this Article, shall alter the position of a vehicle in the parking place or otherwise tamper with the vehicle, its equipment, or any other article contained in or on the vehicle.  
  
(b) When a vehicle is left in a parking place in contravention of any of the provisions of this part of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place, provided that, when a vehicle is waiting in a parking place in contravention of the provisions of Articles 8, 9 or 28 of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in

order that its position shall comply with that provision.

(c) Any such person removing or altering the position of a vehicle by virtue of part (b) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or to alter its position, as the case may be.

(d) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of part (b) of this Article, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

13. The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (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 Part VI of the Road Traffic Act 1972.

14. No person shall in the parking place:

(a) other than with the consent of the Council, sell or attempt to sell or use a vehicle while in connection with the sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skill or services.

(b) use any part of a parking place or any vehicle left in a parking place:

- (i) for sleeping or camping or cooking, or
- (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

15. No person shall in the parking place:

- (a) except with the consent of the Council, erect or cause or permit to be erected any tent, booth, stand, building or other structure.
- (b) light or cause or permit to be lit any fire.

16. (a) Except with the written consent of the Council, no person shall use a parking place for the purpose of displaying or distributing advertising material.

(b) Part (a) of this Article shall apply:

- (i) to any person who engaged in the distribution of advertising material in a parking place.
- (ii) to any person who engages any other person to distribute advertising material in a parking place.
- (iii) to any person whose goods, trade, business or other concerns receive publicity by the display of such advertising material;

provided that a person shall not be guilty of an offence under this Part of this Article by reason only that his goods, trade, business or other concerns are given publicity by the advertising material if he proves that it was displayed without his knowledge or consent.

17. No person shall in the parking place:

- (a) sound any horn or other similar instrument except as may be necessary when about to change the position of the vehicle in or depart from the parking place.
  - (b) wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood.
- 18. 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.
- 19. No person shall in the parking place:
  - (a) deposit any litter or engage in any activity which can reasonably be expected to result in the deposit of litter.
  - (b) wilfully, carelessly or negligently deface, damage or destroy any part of the parking place, any tree or shrub growing therein, or any wall, fence or barriers enclosing any parking place or any fitting or equipment in or on the parking place.
  - (c) urinate or defecate in the parking place or any part thereof otherwise than in a public convenience specially provided and set apart for such purpose.
- 20. No person shall in the parking place cause or permit any dog or other animal belonging to him or in his charge to:
  - (a) enter or remain in the parking place unless such dog or animal is on a lead and under proper control and effectively restrained from causing annoyance to any person and from worrying and



disturbing any other animal.

(b) foul the parking place.

21. Except with the consent of the Council no person shall in the parking place:

(a) park or drive or ride any vehicle of any description which is not expressly authorised in accordance with the provisions of this Order:

(b) tether, drive or ride any animal.

(c) play any game or sport or undertake any recreational activity.

22. No person shall in a parking place transfer or cause to be transferred any road fuel from one vehicle to another vehicle.

23. Schedule 2 to this Order shall have effect with respect to any contraventions of the provisions of Part I of this Order where column 1 indicates the part of the parking place affected, column 2 summarises the contraventions referred to in the Articles of the order which are mentioned against them, column 3 specifies the penalty charge to be paid where a contravention is identified and column 4 specifies the discounted penalty charge as provided for in Article 26 of this Order.

24. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a person authorised by the Council to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle.

- (b) the time at which he first observed that the penalty charge offence had been or was being committed.
- (c) a statement that a penalty charge of the amount specified in column 3 of Schedule 2 is required to be paid, together with a statement concerning the circumstances in which payment of a discounted penalty charge of the amount specified in column 4 of Schedule 2 is applicable.
- (d) the manner in which, and the time within which, the penalty charge or discounted penalty charge should be paid and
- (e) a statement that it is an offence under Section 35(4) of the Act of 1984 for the driver of a vehicle who has left the vehicle in the parking place to fail to comply with a provision of the Order.

25. When a notice has been attached to a vehicle in accordance with the provisions of Article 24 of this Order no person other than a person authorised by the Council in that behalf or the driver or person authorised by the driver in that behalf shall remove the notice from the vehicle.
26. (1) The penalty charge referred to in Article 6(2) shall be paid to the Council either via the automated payment line, web portal or by cheque which shall be delivered or sent by post so as to reach the City Services Section, City Hall, Beaumont Fee, Lincoln not later than the fourteenth day following the day on which the penalty charge was incurred, provided that a discounted penalty charge shall be accepted by the Council if it is paid as aforesaid

not later than 4.00pm on the fourteenth day following the day on which the penalty charge was incurred.

- (2) If the fourteenth day falls upon a day on which the said department is closed, the period within which payment of the said penalty charge or discounted penalty charge respectively shall be made to the Council shall be extended until 4.00pm on the next day on which the said Department is open.

## **SECTION II**

### **AUTHORISATION AND USE OF DEPARTURE BAYS**

27. (1) Each departure bay is authorised to be used subject to the following provisions of this Section of this Part of this Order at all times as a parking place for public service vehicles when being used to operate a local service or a long distance service in accordance with the departure/parking fees as specified by the Council and amended from time to time.
- (2) Save as provided in part (3) of this Article no vehicle other than a public service vehicle being used to operate a local service or a long distance service shall park at any time in a departure bay.
- (3) Nothing in part (2) of this Article shall apply to any security vehicle collecting cash from any public service vehicle operator authorised to use the parking place provided:
  - (a) that that vehicle parks only in a departure bay licensed to be used by the particular public service vehicle operator from which the cash is being collected.
  - (b) that that vehicle parks for no longer than is strictly

necessary for the purpose of cash collection.

- (c) that that vehicle in no circumstances interferes with the operation of local or long distance services provided by any other public service vehicle operator.

28. No public service vehicle or security vehicle shall be parked in a departure bay in such a manner that any part of it is either:

- (a) within any other departure bay, or
- (b) within any vehicular aisle within the parking place.

29. (1) No public service vehicle authorised to park in a departure bay by Article 27(1) of this Order shall be permitted to park for longer than the maximum period specified from time to time by the Council in relation to that departure bay.

- (2) The driver of a public service vehicle who permits it to park in a departure bay for longer than the maximum period specified from time to time by the Council shall, in addition to being liable for a contravention or non-compliance with a provision of the Order, pay a departure/parking fee as specified by the Council and amended from time to time.

### **SECTION III**

#### **VEHICULAR ACCESS**

30. (1) Save as provided in Part (2) of this Article no person shall cause or permit any vehicle to park at any time in any vehicular aisle within the parking place.

- (2) Nothing in Part (1) of this Article shall apply:

- (i) so as to prevent any vehicle awaiting where the driver

thereof is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control.

- (ii) The vehicle is being used in connection with the essential maintenance of a public service vehicle parked in a departure bay and which cannot reasonably wait in any other location, provided that the person in control of the vehicle shall move it on the instruction of a person authorised by the Council.

Dated

The COMMON SEAL of the  
CITY OF LINCOLN COUNCIL was  
hereunto affixed the  
in the presence of:

## **SCHEDULE 1**

Parking Place (Part 1 of the Order)

The Lincoln Central Bus Station

Land at Norman Street, Lincoln LN5 7BS, being the area of land situated to the east of St Mary's Street, north east of the railway station and south of the City of Lincoln Council's multi-storey car park, comprising all departure bays, vehicular aisles and footways as shown on the plan.

## **SCHEDULE 2**

### **Penalty Charge Offences**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
1. Departure Bays in the Lincoln Central Bus Station.	Overstaying the period specified by the Council. Article 29(1).	£50	£25
2. Lincoln Central Bus Station.	Parking of a vehicle not of an authorised class or being used for a permitted purpose. Article 6(1).	£70	£35







