

THE NORFOLK COUNTY COUNCIL (THETFORD BUS STATION)
(OFF-STREET PARKING PLACES) ORDER 2015

The Norfolk County Council, in exercise of their powers under Section 32, 35 and 38 of the Road Traffic Regulation Act, 1984 (hereinafter referred to as "the 1984 Act"), the Transport Act 2000 and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Parts I to III of Schedule 9 to the 1984 Act, hereby make the following Order.

1. This Order shall come into operation on the 27th day of February 2015 and may be cited as The Norfolk County Council (Thetford Bus Station)(Off-Street Parking Places) Order 2015.

2. In this Order –

Any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

"Agent" means an organisation appointed by the Enforcement Authority to enforce the Parking Place;

"authorised taxi rank" means the area of the parking place comprised within and indicated by a marking complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002"

"bus" has the same meaning as in Section 22 of the Traffic Signs Regulations and General Directions 2002"

"Civil Enforcement Officer" has the same meaning as in section 76 of the 2004 Act;

"Class 1 and Class 2 vehicles have the same meaning as in Article 3 of The Use of Invalid Carriages on Highways Regulations 1988.

"Council" means Norfolk County Council;

"cycle" has the same meaning as in section 192 Road Traffic Act 1988;

"Disabled Parking Bay" means an area of the parking place indicated as such by markings on the surface of the parking place as an area where a vehicle, in accordance with the provisions of this Order, may be stationed;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000; and

"Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631: 1970), but coloured blue and capable of showing the quarter hours period during which a period of waiting begins; and

for the purpose of this Order a vehicle shall be regarded as displaying

- (a) a disabled person's badge in the relevant position, when
 - (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
 - (ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or near side of the vehicle, and
- (b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest to the kerb;

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Driver" in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention or the person deemed to be the driver;

"Enforcement Authority" means the Council or its appointed agent;

"Excursion or Tour" has the same meaning as in section 137(1) Transport Act 1985(a);

"General Directions" shall mean The Traffic Signs Regulations and General Directions 2002"

"General Regulations 2007" shall mean The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"Hackney Carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"LG(MP)A" means Local Government (Miscellaneous Provisions) Act 1976;

"Local service" has the same meaning as in Section 2 Transport Act 1985;

"Motor Car", Motor Cycle" and Invalid Carriage" have the same meaning as in section 136 of the 1984 Act;

"Parking Place" in this Order means the Thetford Bus Station and adjacent Parking Place provided by the Council for use as a parking place;

"Penalty Charge" has the same meaning as in Regulation 2 of the General Regulations 2007;

"Penalty Charge Notice" has the same meaning as in Regulation 8 of the General Regulations 2007;

"Private Service Vehicle" means a bus being used as part of an Excursion or Tour;

"Public Service Vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

"Parking Bay" means an area of the parking place indicated by markings on the surface of the parking place as an area where a vehicle, in accordance with the provisions of this Order, may be stationed;

"School Bus" means a bus being used for the provision of transport under section 509 Education Act 1996.

"Voucher Parking Bay" means a Parking Bay within the Parking Place specified in Schedule 2 to this Order where a vehicle in accordance with this Order may be stationed subject to the provisions of this Order.

PART 1 PARKING PROVISIONS

Bus Station

- 3.(1) The off-street parking place specified in Schedule 1 to this Order is hereby appointed as a bus station under section 38 of the 1984 Act and may be used subject to the provisions of this Order as an off-street parking place for:-
 - (i) those public service vehicles operating a service registered with the Traffic Commissioner pursuant to the Transport Act 1985 and authorised in writing to use the parking place by the Council;
 - (ii) private service vehicles being used as part of an excursion or tour and authorised in writing to use the parking place by the Council;
 - (iii) school buses authorised in writing by the Council to use the parking place.
4. Save as provided in Article 5 of this Order no person shall cause or permit any vehicle other than those vehicles specified in Article 3(1) of this Order, to enter, proceed or wait in the parking place specified in Schedule 1 to this Order at any time.
5. Nothing in Article 4 shall prevent a person to cause or permit a vehicle to enter or wait in the parking place provided that vehicle is:-
 - (i) a vehicle appearing to a civil enforcement officer or police constable in uniform to be present in the parking place for the purposes of maintaining or servicing a public service vehicle authorised to use the parking place in accordance with Article 3 of this Order;
 - (ii) being used for fire brigade, police or ambulance purposes; or
 - (iii) being used for maintenance, improvement or reconstruction of the Parking Place; or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer, water, gas, or electricity apparatus or of any telecommunications apparatus as defined in the Telecommunications Act 1984;

- (vi) being used by Thetford Town Council or its appointed contractor for the purposes of servicing or maintaining the public toilets at the Bus Station.
- (v) in the service of a local authority or water authority in pursuance of statutory powers or duties;
- (iii) an unriden cycle;
- (v) a Class 1 or Class 2 vehicle.

Parking Place

6. The Parking Place specified in Schedule 2 to this Order may be used, subject to provisions of this Order, as a parking place for the classes of vehicles to be stationed in the appropriate parking bays during the hours and days of opening, to the maximum permitted waiting period.
7. Where in the Parking Place specified in Schedule 2 to this Order a Parking Bay is designated by surface or other markings, as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in the parking place, or parking bay, unless it is of the specified class.

Display of Voucher in Parking Place

- 8(1) The driver of a vehicle using the Parking Place specified in Schedule 2 to this Order shall, on leaving the vehicle wholly within a Parking Bay (where marked in the Parking Place) and prior to leaving the Parking Place obtain a voucher via the ticket machine.
- 8(2) The driver of a vehicle using a Voucher Parking Bay in accordance with this order and:-
 - (i) which vehicle possesses a windscreen shall display the voucher issued by a Ticket Machine, within the vehicle either by attaching it firmly to the front windscreen or by placing it on the dashboard of the vehicle;
 - (ii) which vehicle does not possess a windscreen shall display the voucher issued by a Ticket Machine in a conspicuous position,

so that the particulars appropriate to the Parking Place as specified in Schedule 2 to this Order including the day, date and time of issue are clearly visible from outside the vehicle during the entire period the vehicle is waiting in the Parking Place. A voucher which is not displayed in accordance with this clause is not valid.

- 8(3) Any voucher issued for a Voucher Parking Bay is not transferable and shall not be valid for any vehicle (whether or not that other vehicle is owned or is under the control of the driver) other than that for which it was originally purchased by the driver.

Bus Station and Parking Place

9. Subject to the Parking Places having marked Parking Bays, no vehicles shall be left in that parking place other than wholly within a parking bay.
10. No vehicle shall be left or allowed to stand in the Parking Places specified in Schedule 1 and 2 to this Order in such a position as to obstruct:-
 - (i) the entrance thereto or the exit therefrom the parking place, nor
 - (ii) the waste receptacles within the parking place, norin such a position as to prevent the driving away of any vehicle already standing in the parking place or in such a position as to cause an obstruction to other vehicles.

Disabled person's parking

11. The driver of a vehicle displaying a disabled persons badge may (subject to compliance with all other provisions of this Order) park that vehicle in a designated disabled parking bay in Schedule 2 to this Order provided that:
 - (a) the driver of the vehicle is a disabled person to whom the badge was issued in respect of that vehicle,
 - (b) the vehicle is being used for the carriage of a disabled person to whom the badge was issued,
 - (c) the vehicle is one being used for the carriage of disabled persons by an institution to whom the badge was issued in respect of that vehicle; or
 - (d) the time during which the vehicle will be parked in the said parking bay is indicated on the parking disc provided by local authority for that purpose;
 - (e) the driver of the vehicle has obtained a voucher for display as specified in Article 8 of this Order.

PART II – PENALTY CHARGE AND PENALTY CHARGE NOTICE

- 12(1) Where a driver has left a vehicle in the Parking Place in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer, in accordance with Article 12(4) of this Order.
- 12(2) A Penalty Charge shall be payable to the Enforcement Authority.
- 12(3) In the event of payment of the Penalty Charge being received by the Enforcement Authority within 14 days of the day in which it was incurred the amount of penalty charge will be discounted in accordance with Regulation 5 of the General Regulations 2007.
- 12(4) A Penalty Charge Notice referred to in Article 12(1) and issued by a Civil Enforcement Officer shall include the following particulars:
- (a) the enforcement authority,
 - (b) the parking place at which the contravention occurred (which may be identified on the Penalty Charge Notice by an abbreviation or code),
 - (c) the registration mark of the vehicle or when the vehicle is being used under a trade licence, the registration mark of that trade licence,
 - (d) the date, time at which the Penalty Charge was seen to be payable,
 - (e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,
 - (f) the amount of the Penalty Charge,
 - (g) the manner in which and time within which the Penalty Charge shall be payable,
 - (h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,
 - (i) a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a notice to owner may be served by the Enforcement Authority on the owner of the vehicle.
- 13(1) Where a driver has left a vehicle in a Parking Place in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 12(1) of this Order a Penalty Charge Notice may be issued by post by the enforcement authority in accordance with section 10 of the General Regulations 2007.
- 13(2) Any Penalty Charge Notice issued in accordance with Article 13(1) of this Order shall, in addition to the particulars specified in 12(4)(a), (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.

- 14(1) The driver of a vehicle in respect of which a Penalty Charge has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the Notice within 28 days of the date on which the notice is served. If payment is received within a period of 14 days beginning with the date on which the notice is served the amount of the said charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority's offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).
- 14(2) Where a driver of a vehicle fails to pay the Penalty Charge as specified in Articles 11(2) and 13(1) of this Order the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.
- 14(3) A driver who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

PART III

USE OF PARKING PLACES

15. The driver of a vehicle using the parking place shall stop the engine as soon as the vehicle is in position in a designated parking bay and shall not start the engine except when about to change the position of the vehicle in the parking bay, or to depart from the parking place.
16. Except with the authority of the Council or person authorised on behalf of the Council, no person shall use a vehicle, whilst it is in the parking place, 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 unless that vehicle is a hackney carriage waiting in an authorised taxi rank in the Parking Place specified in Schedule 2 to this Order in accordance with LG(MP)A.
17. Except with the authority of the Council or person authorised on behalf of the Council, no person shall distribute any advertising material or affix or cause to be affixed any advertising material to any vehicle left in the parking place.
18. Subject to the proviso hereto, when a vehicle is left in the parking place in contravention of any of the provisions of Articles 3, 4, 6, 7, 8, 9, 10 and 16 of this Order, or it is necessary to meet the requirements of an emergency, a person authorised on behalf of the Council or a Civil Enforcement Officer may remove the vehicle or arrange for it to be removed from the parking place, or may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

19. Any person removing or altering the position of a vehicle by virtue of Article 18 of this Order may do so by towing or driving the vehicle or in such other manner as that person may think necessary and may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.
20. When a person authorised by the Council or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Articles 18 and 19 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
21. Where a vehicle has been removed in accordance with Articles 18, 19 and 20 of this Order the charges as specified in section 3 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 shall become payable.
22. Neither such person nor the Council shall be responsible for any loss or damage to the vehicle or to anything contained therein or attached thereto arising from or in consequence of the exercise of the powers in Articles 18, 19, 20 and 21.
23. The driver of a motor vehicle using the Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place.
24. No person shall, except with the permission of any person duly authorised by the Council or a Civil Enforcement Officer, 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 Order or for the purpose of departing from the Parking Place.
25. No person shall, in the Parking Place, wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
26. 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 occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
27. No person shall, except with the authority of the Council or enforcement authority, use any part of the Parking Place or any vehicle left in the Parking Place:
 - (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes;
 - (c) 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;
 - (d) for skateboarding, roller skating or wheeled activities which may be hazardous to pedestrians;
 - (e) for the instruction of pupils whilst undertaking driving lessons.

28. No person shall play or take part in any game in the Parking Place.
29. No person shall use the Parking Place as a means of passing or proceeding from one road to another road.
30. Where in the 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 so that it

- (i) enters the Parking Place otherwise than by an entrance or leave the Parking Place otherwise than by an exit so indicated or
- (ii) is in a direction other than that specified

as the case may be.

31. In the Parking Place no person shall, except with the authority of the Council or person authorised on behalf of the Council:
 - (a) 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.
32. No person shall enter the Parking Place whilst towing any vehicle except:
 - (i) where the towed vehicle is required in order that a vehicle may be removed in accordance with Article 19 of this Order,
 - (ii) where the towed vehicle is carrying equipment required by the driver for maintenance at the Parking Place,
 - (iii) where the towed vehicle is required for remedial works at or to the Parking Place by Statutory Utilities Staff,
 - (iv) where permission has been granted by the Council or an agent acting on behalf of the Council or a Police Constable in uniform.
33. No person shall leave stationed a vehicle, with a maximum gross vehicle weight greater than 3050 Kg in the Parking Place specified in Schedule 2 to this Order, except upon the direction of or with the permission of the Council or a Civil Enforcement Officer.

34. When a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 12(1) of this Order no person, not being the driver of the vehicle or a person duly authorised by the Council shall remove the Notice from the vehicle unless authorised to do so by the driver.
35. By conspicuous notices to the effect the Council may suspend Parking on the Parking Place or part thereof and failure to observe such notices shall be a contravention of this Order.
36. In the Parking Place no person shall leave a vehicle stationed overnight, except upon the direction or with the permission of the Council or an agent acting on behalf the Council or a Civil Enforcement Officer.
37. Insofar as any provision of this Order conflicts with any provision of any previous Order, that provision of this Order shall prevail.

SCHEDULE 1
IN THE TOWN OF THETFORD (THETFORD BUS STATION)

1	2	3	4	5
Name of Parking Place	Classes of Vehicles	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period for which vehicles may wait
Theftford Bus Station Stands Numbered A-E	<p>Public service vehicles operating a service registered with the Traffic Commissioner pursuant to the Transport Act 2000 and authorised by the Council in writing to use the parking place by the Council including "National Express Coaches"</p> <p>Private Services Vehicles being used as part of an Excursion or Tour and School Buses, all of whom must be authorised by the Council in writing to use the parking place</p>	Monday to Sunday	At All Times	Waiting limited to 10 minutes

SCHEDULE 2
IN THE TOWN OF THETFORD (PARKING PLACE ADJACENT TO THETFORD BUS STATION)

1	2	3	4	5	6
Name of Parking Place	Position in which vehicles may wait	Classes of vehicles	Days of Operation of parking place	Hours of Operation of parking place	Maximum period for which vehicles may wait
Parking Place adjacent to Thetford Bus Station known as Minstergate Car Park Voucher parking places	Wholly within the marked parking bays	Motor car and motor cycle up to 3050 kg Disabled Persons Vehicles Displaying a Disabled Persons Badge and Parking Disc	Monday to Sunday	At All Times	Waiting limited to 20 minutes with no return within 1 hour All vehicles must display a Voucher
Authorised tank ranks	Wholly within the marked bays	Hackney Carriages	Monday to Sunday	At All Times	In accordance with the 1976 Act

Dated this 23rd day of February 2015

THE COMMON SEAL of)
THE NORFOLK COUNTY)
COUNCIL was hereunto)
affixed in the presence of)



authorised to sign
on behalf of: HEAD OF LAW

Head of Law



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