**NEWBURY WHARF**

**Wharf Road, Newbury RG14 5AU**

**CONDITIONS OF USE**

**Version 1.02C, August 2024**

For Use of Newbury Wharf by Coach Operators

1. **General**
	1. All correspondence, including appeals (except for correspondence in relation to a Penalty Charge Notice) should be sent to the Council as follows:

F.A.O. Transport & Parking Services Manager

West Berkshire Council

Market Street

Newbury

RG14 5LD

transport@westberks.gov.uk

Informal enquiries can be made by calling 01635 519 394, or emailing transport@westberks.gov.uk.

* 1. The land and building which is known as Newbury Wharf ("the Wharf") are owned and managed by West Berkshire Council (“the Council”). It is private property and not part of the public highway. The facility is provided to allow a common terminal point for bus services in Newbury.
	2. Space at the Wharf is limited, and is offered as shared-use between local bus services and coaches. Local bus services **must always** take priority. Use of the Wharf will be subject to the availability of Bays and Stands on the Wharf apron and will be at the absolute discretion of the Council.
	3. No operator (“Bus Operator”) shall register a new, or amended, local bus service with the Traffic Commissioner to operate using the Wharf without prior discussion with, and agreement of, the Council.
	4. Any other operator wishing to operate using the Wharf is classified as a “Coach Operator”.
	5. All Operators, their employees and their passengers are required to comply with all Conditions of Use hereby stipulated, together with any Codes of Conduct that are relevant to the Wharf. The Drivers’ Code of Conduct is included at Schedule A.
	6. The Council may, at its absolute discretion, impose restrictions on access to, and use of, the Wharf, on any Operator who fails to comply with these Conditions of Use.
	7. No vehicle is to exceed 5 mph at any time within the Wharf.
	8. An Operator will insure against any damage, loss or injury which may occur to any property or person which may be attributable to any property belonging to the Operator, or which may arise as a result of any activities carried out by the Operator or any of its staff within the Wharf. The Operator shall, whenever required, produce to the Council the policy or policies of insurance.
	9. The Council shall be entitled to modify, amend, delete or add to these Conditions of Use on giving 28 days’ notice of any change. This will be published on the Council’s website, and written notice will be issued to all Bus Operators.
	10. Any Operator intending to use a vehicle longer than 12 metres **must** contact the Council before use. The Council will then determine whether the vehicle can use the Wharf, and any conditions that must be followed.
	11. In the event of an Operator’s vehicle breaking down within the Wharf, the Operator will take immediate action to have the vehicle removed. If this is not done within a reasonable time period, the Council shall be entitled to take appropriate action to have the vehicle moved, and recover all costs incurred from the Operator.
	12. Any damage to, or abuse of, the Wharf by an Operator, may result in a charge being levied against the Operator to recover any costs incurred by the Council in making good the damage or abuse. Examples of such damage or abuse include, but are not limited to, unreasonable oil spillage; barrier, wall or Bay or Stand damage; damage as a result of a breakdown or other abnormal operation. Operators are obliged to report to the Council any such damage or abuse immediately it occurs, or as soon thereafter as is reasonably practical.
	13. Operators are solely responsible for dealing with and fully clearing and cleaning any liquid spillages from their vehicles especially diesel and oil. These spillages must be handled in line with current legislation and dealt with immediately. All spills and damage caused by an Operator’s vehicle or employees must immediately be reported to the Council.
	14. The Council will not be responsible for the operational control or administration of any Operator’s services, i.e. timekeeping, staff control, lost property, breakdown coverage, unruly passengers etc., except where it is necessary to exercise operational control or administration in order to ensure the safe and orderly control of the Wharf. The Council will not mediate disputes between customers and drivers, or Operators, or intervene with drunken, abusive or ill passengers already on board a vehicle.
	15. No information is allowed to be displayed or distributed within the Wharf without the prior permission of the Council. The Council will provide information regarding local bus services. It reserves the right to pass costs associated with providing information for commercial services onto Operators.
	16. Unless otherwise agreed in advance with the Council, Operators or agents acting on their behalf are not permitted to conduct or promote their business within the Wharf.
1. **Use of Stops and Bays**
	1. The Council will allocate Bays for services.
	2. [Removed as not applicable to Coach Operators].
	3. Use of a Bay other than that allocated should be avoided. If there is a regular occurrence where a Bay is blocked, this should be brought to the Council’s attention.
	4. It may be possible to allow buses to use the Wharf for special occasions (e.g. historic vehicles, shuttle buses) but this will be subject to prior agreement with the Council. Charges may be applicable.
	5. Schedule B shows the Bays allocated to each service.

Bay G

* 1. Bay G is for setting-down only of passengers. It should only be used for as long as required to set-down passengers, before the vehicle moves to a layover Stand as appropriate.
	2. [Removed as not applicable to Coach Operators].

Bays A-F

* 1. Bays A-F are for boarding only and vehicles using these departure Bays are restricted to 5 minutes boarding time on each of these Bays (10 minutes for coaches on Bays E-F) … until 18:00. No time restriction applies after 18:00, or on Sundays, however coaches waiting longer than 10 minutes are charged as though on a Coach Stand and must pay accordingly.
	2. Bay A is only for local bus service use at all times.
	3. Between 04:00 and 18:00 Monday to Saturday, Bays B-D can only be used by local bus services. Coaches can use these Bays outside of these times.
	4. Bay F is for use by coaches This Bay should be used to board a passenger in a wheelchair, or if luggage is to be loaded / unloaded, which must be via the nearside underfloor lockers.
	5. Bay E can be used by all coaches. On occasions, local bus services may use this Bay if their Bay is blocked by another vehicle. Use of Bay E by local bus services should be reported to the Council.

Stops H & J

* 1. These Stops are respectively southbound and northbound on Wharf Road, immediately prior to the Wharf, and are covered by a bus stop clearway restricting their use to local buses only.
	2. [Removed as not applicable to Coach Operators].
1. **Use of Stands**
	1. When moving from a Stand to a departure Bay, vehicles must follow the one-way restriction, turning via Wharf Road to re-enter the site using the entry lane.
	2. Drivers leaving their vehicles **must** wear a high-visibility vest or jacket and should walk along the path provided parallel to the A339 embankment (Bus Stands), or splitter island (Coach Stands) in the direction of the Library, crossing to the pavement beside the Library and walking along this to the front of the Wharf. Crossing the vehicle area will result in an additional charge and may result in an Operator being barred from the Wharf.

Bus Stands

* 1. [Removed as not applicable to Coach Operators].
	2. Use of the Bus Stands is restricted to local buses between 04:00 and 18:00 Monday to Saturday, and no vehicle can stay for more than one hour. Outside of these times, the Bus Stands may also be used by coaches when there is no restriction on maximum time.
	3. [Removed as not applicable to Coach Operators].

Coach Stands

* 1. There are three Coach Stands towards the rear of the Wharf, adjacent to the splitter island. Between 04:00 and 18:00 Monday to Saturday, waiting is restricted to a maximum period of 90 minutes. Outside of these times, waiting is unlimited, and Bus Stands can also be used.
	2. No passenger is allowed to board or alight from these Stands, and passengers must be informed of this before set-down.
1. **Charges and Enforcement**
	1. Charges apply for use of the Wharf, and these are shown in Schedule C.
	2. [Removed as not applicable to Coach Operators].
	3. Operators of vehicles (unless otherwise agreed in advance with the Council) should pay for use of the Wharf for each occasion using the Pay By Phone system (01635 730 730). The location codes are as follows:
		* Coach Stands: 801 251
		* Bus Stands: 801 250
	4. Charges for use of the Bays and Stands will be reviewed annually, with any changes implemented from 1 April each year following agreement through the Council’s budget setting process. These charges will be published on the Council’s website.

Enforcement

* 1. Enforcement of these Conditions of Use will be by a combination of CCTV and Civil Enforcement Officers.
	2. Breaches identified by CCTV or other observations will lead to an Additional Charge levied on the Operator. For the first 3 breaches by any one Operator within a rolling 12-month period, an Additional Charge of £25.00 will be administered per breach. Any further breaches will result in an Additional Charge of £50.00 per breach. Any Operator who reaches 10 breaches within a rolling 12-month period, or who does not pay the Additional Charges, may be barred from the Wharf on a temporary or permanent basis.
	3. An Operator will have a period of ten working days to appeal to the Council against any Additional Charge.
	4. Civil Enforcement will take place for use of the Wharf, its bays or Stands by unauthorised vehicles. This will include buses using Coach Bays or Stands, and coaches using Bus Bays or Stands between 04:00 to 18:00 Monday to Saturday. It will also be used for overstays to, or failure to pay for use of, Stands.
	5. No Operator will be subject to both Civil Enforcement and an Additional Charge for the same breach.
1. **Removal of an Operator from the Wharf**
	1. The Council may, at its absolute discretion, impose restrictions on access to, and use of, the Wharf, on any Operator in accordance with clauses 1.07 and 4.06.
	2. For serious breaches, the Council may withdraw an Operator’s right to use the Wharf with immediate effect. These include, but are not limited to:
* The actions of the Operator materially prejudice the safe operation of the Wharf, or give rise to other serious and immediate health and safety or environmental concerns;
* The Operator becomes insolvent;
* The Operator ceases to operate the services for which departure Bays have been allocated, without notifying the Council;
* The Operator persistently engages in non-payment or late payment of any charges or penalties applicable.
	1. For lesser breaches, the Council will give an Operator 28 days’ notice. An Operator wishing to appeal this decision must do so, in writing, to the Council within 14 days of the notice being given.

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**SCHEDULE A – Drivers Code of Conduct**

This applies to all Operator’s employees within the Wharf.

1. Whilst in the Wharf, drive at no more than 5 mph at any time, and drive with extreme caution, taking account of other vehicles and pedestrians who may walk on the carriageway.
2. Give way to pedestrians crossing the entrance or exit of the Wharf.
3. Observe all signage and follow instructions.
4. Use the correct Bays, Stops and Stands.
5. Do not block a departure Bay for more than five minutes.
6. Only allow passengers to board or alight whilst the vehicle is stationery and on the designated Bay or Stop. Never allow or encourage passengers to board or alight from a Stand.
7. Switch off engines as soon as possible when you reach your designated Bay or Stand. Never leave a vehicle unattended with the engine running.
8. Report all accidents, incidents, and near misses to your company as soon as possible.
9. Report any defects or damage within the Wharf to the Council.
10. Drivers of forward moving vehicles shall at all times give way to drivers of reversing vehicles.
11. In all instances where conflict may arise between reversing vehicles, drivers shall immediately stop and resolve the conflict by mutual agreement or call for assistance.
12. Reversing vehicles must use reversing alarms and hazard warning lights.
13. Hi-Vis clothing must be worn whenever on foot within the vehicle movement areas of the Wharf, or entering / leaving vehicles from the Stands.
14. Do not congregate at any point within the vehicle movement areas, or adjacent to the Stands, in the Wharf.
15. Comply with the strict no smoking policy within the Wharf. This policy includes e-cigarettes, and extends to the entire footprint of the Wharf.
16. At all times act in a professional manner. Harassment of, and negative comments towards, customers, other staff or companies will not be tolerated.
17. The day-to-day control of the Wharf rests with the Council. In exercising this control, it may from time to time be necessary for the Council to instruct Operator’s employees. Such instructions will not be unreasonable, and must be complied with immediately.
18. In an emergency situation, buses should not enter the Wharf, but should continue to the nearest available bus stop outside the Wharf to allow passengers to safely disembark. Passengers must not be allowed to disembark onto the Wharf concourse, apron, or elsewhere within the perimeter of the Wharf whilst the emergency exists.
19. In an emergency situation, drivers within the Wharf may be called upon to assist the Council, in particular with the safe evacuation of the Wharf, securing access points to prevent re-entry, or generally ensuring the safety of the public and the Wharf users. Any instructions given must be complied with immediately. Vehicles should not leave the Wharf unless safe to do so. Staff within the Wharf at the time of an evacuation are expected to make their way to the designated assembly point.

The designated assembly point in the event of an evacuation of Newbury Wharf is:

 In front of West Berkshire Museum

 Wharf Street

 Newbury

 RG14 5AS

**SCHEDULE B – Bay and Stop Allocations**

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| **BAY / STOP** | **SERVICES ALLOCATED** |
|  |  |
| **A** | Bus Services 0500 to 0020 (daily) |
| **B** | Bus Services 0740 to 1855 (Monday to Saturday) |
| **C** | Bus Services 0633 to 1836 (Monday to Saturday) |
| **D** | Bus Services 0615 to 1940 (Monday to Saturday) |
| **E** | Coaches |
| **F** | Coaches |
| **G** | Set Down Stop |
| **H / J** | Buses only |
|  |  |
| **Bus Stands** | Only for use by vehicles operating registered local bus services between 04:00 and 18:00 Monday to Saturday.Available for coaches outside of these times. |
| **Coach Stands** | For use by Coaches at all times. Waiting restricted to 90 minutes between 04:00 and 18:00 Monday to Saturday. |

All services operate Monday to Saturday only with the exception of Jet Black 1 and 32 which also operate on Sundays.

**Bay E: Coaches Bay F: Coaches**

**(10 min maximum wait) (10 min maximum wait)**

**Bay G: Set-down only (wait only as long as necessary to set-down passengers)**

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**SCHEDULE C – Charges and Enforcement**

Applicable to Coach Operators

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| **Area** | **Applicable To** | **Charge** |
| Bay A | Anytime | Additional Charge | Per use |
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| Bays B-D | 04:00 to 18:00 Mon to Sat | Additional Charge | Per use |
| Other times | £3.00 | Up to 3 hours |
| £6.00 | Over 3 hours |
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| Bays E-F | 04:00 to 18:00 Mon to Sat (if not using Coach Stand) | £0.60 | Per departure |
| 04:00 to 18:00 Mon to Sat | Additional Charge | Overstaying 5 minutes |
| Other times | £3.00 | Up to 3 hours |
| £6.00 | Over 3 hours |
|  |
| Bay G | Anytime | Free | Set-down only |
| Additional Charge | Staying after set-down completed |
| Additional Charge | Picking-up passengers |
|  |
| Stops H & J | Anytime | Civil Enforcement | Per use |
|  |
| Bus Stands | 04:00 to 18:00 Mon to Sat | Additional Charge or Civil Enforcement | Per use |
| Other times | £3.10 | Up to 3 hours |
| £6.30 | Over 3 hours |
|  |
| Coach Stands | 04:00 to 18:00 Mon to Sat | £4.20 | Up to 90 minutes |
| Additional Charge or Civil Enforcement | Over 90 minutes |
| Other times | £3.10 | Up to 3 hours |
| £6.30 | Over 3 hours |
|  |
| All areas | All activities | £25.00 | Additional Charge, per breach for first 3 breaches within rolling 12-months |
| £50.00 | Additional Charge, per breach for more than 3 breaches within rolling 12-months |

Penalty Charge Notices may also be applied for breaches.

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**NEWBURY WHARF**

**Wharf Road, Newbury RG14 5AU**

**CONDITIONS OF USE**

**Version 1.02C, August 2024**

**DECLARATION OF AGREEMENT TO ABOVE CONDITIONS OF USE**

I / We, as an Operator using Newbury Wharf hereby agree to abide by the Conditions of Use set out above. I / We also confirm that a copy of the aforementioned Conditions of Use have been received and are retained for reference by the Operator and its employees.

All employees of the Operator shall be made aware of the Conditions of Use and the Operator will comply with the Conditions of Use and will use all best endeavours to ensure compliance by its employees.

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| --- | --- |
| Name of Operator(as it appears on the Companies Register) |  |
| Trading Name(s) if different to above |  |
| Signature |  |
| Name of signatory (please print) |  |
| Position within Company / Organisation |  |
| Contact telephone number |  |
| Contact email address |  |
| Date signed |  |
| Address for invoices |  |
| Address for other correspondence (if different) |  |

Please return to:

F.A.O. Transport & Parking Services Manager, West Berkshire Council, Market Street, Newbury RG14 5LD, or electronically to transport@westberks.gov.uk.