



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Ref. No:			
Service Area:	Transport and Engineering	Date:	10/2/2023
Contact Name:	Julian McLaughlin	Tel No:	
E-mail:	Julian.mclaughlin@bcpcouncil.gov.uk		
Subject:	Moving Traffic Enforcement		
Decision taken: To apply to the Secretary of State for Transport to obtain a Designation Order as a civil enforcement area for moving traffic contraventions.			
Reasons for the decision: As a local highway authority (LHA), BCP Council is responsible for managing Traffic Orders (TOs) within its administrative boundary. However presently, the Council is only able to enforce TOs relating to parking and bus only areas such as bus lanes. Enforcement for all other moving TOs is the remit of Dorset Police and constrained by limited resources. If approved, these new powers will enable the Council to carry out enforcement of some moving traffic offences, initially to enforce the night time closure of roads around Horseshoe Common and subsequently at additional selected locations to improve road safety, congestion, air quality, emergency service response times, sustainable transport, maintenance or to address other concerns relating to good governance.			
Background: On 31 May 2022, regulations were introduced that allowed all LHAs in England to apply for moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004. Until then, this option was only available to LHAs within London. To acquire these powers, LHAs are required to submit an application to the DfT for a Designation Order. Applications have to be submitted by a set deadline because Designation Orders are issued in tranches. Applications for Tranche 2 are currently open. On 1 December 2022, the DfT issued a communication to all LHAs in England that had not already applied advising that: a. The deadline for Tranche 2 applications had been extended until 15 February 2023. b. Tranche 3 may not take place in 2023 as originally planned.			

In order to apply for the designation of these powers the Council must select one or more initial locations at which it perceives improved enforcement would be beneficial. If the initial application is successful, the Council can use these powers at any further location where an applicable moving offence TO exists. The Council would not be required to re-apply for the powers for each site however it would be required to carry out a further local consultation prior to carrying out enforcement at additional locations in line with the statutory guidance:

[Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264242/TMA2004-Guidance-for-local-authorities-outside-London-on-civil-enforcement-of-bus-lane-and-moving-traffic-contraventions.pdf)

Thereafter and subject to further public consultations, the Council would be able to consider enforcing other locations with moving TOs including:

- a. areas and times in which certain vehicle types are forbidden (for example modal filters, pedestrian zones and school streets)
- b. banned turning movements at junctions
- c. no entries
- d. one-way streets
- e. yellow box junctions
- f. weight and width limits.

Near the southern end of Horseshoe Common in Bournemouth, there are seven roads which are subject to a prohibition of motor vehicles between the hours of 10pm and 5am, seven days a week. These include:

- a. Dean Park Crescent between Elvis House and the junction with Old Christchurch Road
- b. Fir Vale Road between the junctions with Old Christchurch Road and St Peter's Road
- c. Hinton Road between the junctions with Beale Place and Gervis Place
- d. Lorne Park Road between the junction with Old Christchurch Road and a point approximately 25 metres north-west of that junction
- e. Madeira Road between the junction with Old Christchurch Road and the vehicle crossover for The Citrus Building (Leyton Mount)
- f. Old Christchurch Road between the eastern end of the Pedestrian Zone outside No.101 and the junction with Glen Fern Road
- g. St Peter's Road between the junctions with Hinton Road and Glen Fern Road.

The restrictions are in place due to pedestrian footfall associated with the night-time economy. The restrictions are designed to reduce the number of casualties arising due to collisions between impaired pedestrians and motor vehicles and also to improve public order by encouraging those leaving the night time venues to disperse towards public transport or private hire vehicles available at and beyond the points of road closure. Unfortunately, this prohibition is routinely disobeyed making it less safe. The Council has taken steps to revoke the licences of taxis that enter the restricted zone however it is not able to carry out enforcement against other operators entering the zone such as Facebook Rides. If approved, the Council would be able to take enforcement action against all motor vehicles

illegally entering the restricted area and this would help improve safety and also provide for fairer arrangement for all providers of private hire services.

In the case of the prohibition of motor vehicles TO relating to Horseshoe Common, all signage has recently been updated to ensure that it is compliant with current national standards.

At the current time activity in these areas is similar to pre-pandemic levels.

Selection Criteria

If the designated powers are approved, additional locations would be determined on a case-by-case basis where there is an absolute need, using a robust decision-making process. Objectives for the deployment of cameras would relate to factors like air quality, congestion, emergency service response times, maintenance, road safety and sustainable transport. Public consultation would take place for each site prior to any decision making and subsequent enforcement commencing.

For all affected locations, the Council would publicise any changes to enforcement well in advance of start dates. This would be via signs on the ground and through multiple communication channels. For reference, all highway consultations are uploaded onto:

<https://haveyoursay.bcpccouncil.gov.uk/hub-page/highway-consultations>

During the first six months post implementation, the DfT guidance requires that warning notices would be issued for first time offences.

Revenue

The DfT has stipulated that:

- a. Raising revenue should not be the purpose of penalty charges and the objective should be to encourage 100% compliance.
- b. Charges should be proportionate.
- c. Surpluses from penalty charges must be applied to all or any one of;
 - i. deficits arising from enforcement;
 - ii. environmental improvements;
 - iii. costs incurred in the provision or operation of public transport;
 - iv. highway improvement projects.

The Council will adhere to all applicable guidance and regulations.

Equipment

Approved devices are prescribed in guidance on certification of approved devices and the Home Office Surveillance Camera Code of Practice.

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

The Council already operates fixed camera enforcement of some School Keep Clear markings and the bus gate near Bournemouth Station (Coach House Place). The Council therefore has established back office systems and staff capable of collecting and processing the fines arising from these activities.

Consultations undertaken:

Consultation:

A detailed summary and review of the consultation can be found at Appendix 1.

Members consulted:

Cllr Greene – Cabinet Member for Sustainability and Transport.
All other Councillors – via a global email consultation exercise.

Officers consulted:

- Julian McLaughlin – Service Director, Engineering and Transport
- Richard Pincroft – Head of Service, Transportation
- Richard Pearson – Transport Network Manager
- Rob Pickernell – Parking Manager
- Chantelle Carruthers – Finance Manager, Engineering and Transport
- Jon Weaver – Head of Destination and Events
- Nananka Randle – Licensing Manager
- Alexis Edwards – Transport Development Team Leader
- Andy Brown – Traffic Team Leader
- Martin Baker – Road Safety Team Leader

Finance and Resourcing Implications:

The cost of installing camera enforcement equipment will vary from site to site.

It is expected that the cost of the Horseshoe Common cameras will be £140,266. The capital cost will be funded from the Local Transport Plan (LTP) capital grant that the Council receives each year from Central Government (DfT). As well as the capital costs, there will be ongoing revenue costs associated with the maintenance and operation of the cameras and the processing of offences. There will also be ongoing revenue income from the collection of fines. It is not anticipated that this enforcement work will generate any net income or loss, however the income and expenditure will be monitored. If net income is generated then this will be used in line with the criteria defined in the statutory guidance. If a loss arises then this will be carried within the overall parking enforcement area.

Additional enforcement sites may be identified in the future. The LTP grant is under significant pressure with requests from many competing projects and objectives. Therefore funding for additional enforcement sites will be considered in the context of other funding requests against LTP capital and an annual decision made as to which additional sites, if any, will be funded. The cost of installing and operating the cameras, and the revenue generated will vary significantly and be monitored on a site by site basis.

From time to time other funding sources such as Section 106, Section 278, Section 38 or other transport grants may be used to fund additional enforcement sites and this will be evaluated on a case by case basis against wider opportunities and the objectives of effectively, efficiently and safely operating the transport network in line with LTP and national policy objectives.

Name: Adam Richens

Date: 10/2/2023

Signature (of Chief Finance Officer):



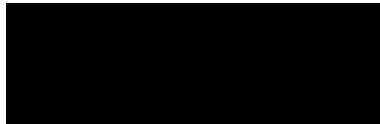
Legal Implications:

If designated, the Council will use the powers granted under Part 6 of the Traffic Management Act 2004 and also adhere to the statutory guidance.

Name:

Date: 10/2/2023

Signature (of Monitoring Officer):



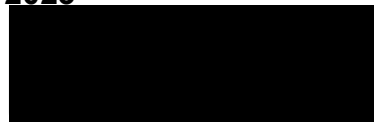
Risk Assessment:

There are no significant risks associated with these changes. Some minor risks have been identified in Appendix 2.

Name: Richard Pearson

Date: 7/2/2023

Signature (of Officer Completing Assessment):



Impact Assessments:

There are no significant Equalities impacts, the Equality Impact Assessment screening form is included as **Appendix 3**.

The proposed changes impact all service users, however the changes only seek to enforce existing moving Traffic Orders that all road users should currently be already complying with. There is a partial argument that those on lower incomes could be disproportionately penalised by the imposition of a flat rate penalty charge. However, there is no requirement to pay the charge at all if an individual obeys the road rules. Parking charge notices for contraventions of static TOs (e.g. parking restrictions) operate on the same basis and if the fines were means tested in some way this would be likely to make the enforcement process unaffordable to operate. Individuals who disobey moving TOs tend to place themselves and others at risk of physical injury or death due to the risk of a road traffic collision arising from dangerous or unexpected prohibited traffic movements, eg driving the wrong way down a one-way road or passing a road closed sign or ignoring a no

left, no right or no entry sign (TO), etc. It is known that injuries arising from collisions disproportionately impact males, younger people, pedestrians, cyclists, escooters and motorcyclists. As those are also affordable travel modes, they may also impact individuals who are economically disadvantaged and therefore improving compliance and lawfulness on the public highway may have positive benefits to those same groups. These impacts can all be regarded as secondary and no group with protected characteristics appears to be directly impacted by this decision.

Information for publication / not for publication

There are no reasons this decision should be withheld from publication.

Background Papers

None

Any declaration of interest by the
Officer responsible for the decision

Nature of Interest

No

Note: No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of
interest declared by
a Cabinet
Member who is
consulted by the
Officer taking the
decision

Name of
Cabinet
Member

Nature of
interest

Details of any
dispensation
granted by the
Monitoring Officer

No

Decision taken by: Julian McLaughlin (Service Director, Transport and Engineering)

Signature:



Date of Decision: 7/2/2023

Date Decision Effective: as soon as possible after the above date.

Date of Publication of record of decision: (to be inserted by Democratic Services)

Note: A record of this decision should be kept by the Service Area within which the decision falls.



Appendix 1 Civil Enforcement Area for Moving Traffic Contraventions – Horseshoe Common

Consultation report

February 2023

Document details

Date:	Tuesday 7 February 2023
Version:	1.0
Prepared by:	Daniel Parsons
Checked by:	Andy Brown / Richard Pearson
Approved by:	Richard Pincroft

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Introduction

1. This document summarises representation which was received in relation to highway consultation reference MTCE 2022. MTCE 2022 took place for a six-week period from 16 December 2022 until 23:59 on 27 January 2023. An explanation of the background and purpose of MTCE 2022 is available in **Appendix A – Public consultation information document**.

Vehicle prohibition near Horseshoe Common

Restrictions in place

2. A Traffic Regulation Order (TRO) is currently in place near the southern end of Horseshoe Common in Bournemouth. Seven roads are subject to a prohibition of motor vehicles between the hours of 10pm and 5am, seven days a week. These are outlined in paragraph 8 and Figure 1 of **Appendix A – Public consultation information document**.
3. The restriction was originally introduced as part of the town centre dispersal strategy. There were previously large numbers of public order incidents outside the nighttime venues and there were also significant numbers of road casualties. There was evidence that road safety casualties were being caused by collisions between motor vehicles and drink/drug impaired pedestrians. By closing the roads to motor traffic it was considered that this would encourage people to disperse away from the venues, rather than wait for taxis and other rides, and it would also help prevent collisions between motor vehicles and impaired pedestrians.
4. This prohibition has been in existence since 2015. Prior to November 2017, the hours of operation were Midnight to 5am when the prohibition was changed to 10pm to 5am. This change was consulted upon as part of Road Safety Schemes November 2017 (reference P13, M5, T4 2017). Item 28 on page nine of the Cabinet Member Decision Record, states that 'no objections were received'.
5. On 13 July 2018, the prohibition was re-enacted without any change of substance under the The Borough Of Bournemouth (Traffic Movement And Speed Limit Regulations Consolidation Order 2018).
6. On 22 February 2022, a minor amendment to the prohibition was made. This corrected a mistake on map tile Y11 which only affected the section of Hinton Road between the junctions with Beale Place and Gervis Place.
7. Full details of the 2017 Cabinet Member Decision Record, the 2018 Consolidation and the 2022 amendment is provided in **Appendix B – Details of the vehicle prohibition near Horseshoe Common**.
8. Fundamentally, the proposals being consulted only involve changing how:
 - The existing vehicle prohibition near Horseshoe Common in Bournemouth is enforced and

- other moving TROs in the BCP administrative area can be enforced subject to further consultation.
9. **No new restrictions are proposed.** The restriction near Horseshoe Common (such as hours of operation and which vehicles are prohibited), will remain the same as currently exists.

Past and current enforcement

10. Originally, full width lockable barriers were designed for the entrance points to the zone, with emergency services provided keys for opening them. This arrangement was not taken forward because the emergency services were concerned that it would slow down response times and required dedicated personnel to open and close the gates.
11. At the request of Dorset Police the barrier design was modified so that they only covered half of the carriageway. This configuration remains in place today. However, this has resulted in the restriction being routinely abused, creating safety issues and other concerns.
12. Where resources permit, Dorset Police have attended to undertake spot enforcement, and the Council have also deployed security staff. The Council has also revoked the licences of taxis that have routinely entered the zone in breach of the TRO, however it has been reported that private hire vehicles that are not licensed by the Council are regularly contravening the TRO. Nevertheless, such mitigation is not considered to be a viable long-term approach because it is labour intensive.

Report structure

13. After this introduction, the methodology employed to analyse the representation is explained. Statistical and thematic analysis is subsequently presented. Council responses are then set out. Finally, the report concludes with a synopsis and discussion of next steps.
14. The full list of all representation received along with how they were analysed, can be found within **Appendix C – Representation received** and **Appendix D – Legal representation issued by 3PB Barristers**. Spelling and grammar has not been altered. However, in the former paragraph spaces have been removed for ease of formatting.

Methodology

15. A traffic light system (as set in **Table 1** below), was employed to categorise each item of representation into one of three opinion types.

Table 1 – Opinion classification

Opinion	Definition
Objection	Correspondence which contained the word 'object', suffix variants of this, or similar words like 'against', 'disagree', 'negative', or 'wrong'.
Comment	Correspondence which did not explicitly indicate support or objection.
Support	Correspondence which contained the word 'support', suffix variants of this, or similar words like 'happy', 'positive' or 'good'.

16. Each item was given an unique reference number in date order. Representation was then thematically coded to abridge the qualitative data into themes. The purpose of this was to illustrate the reasoning behind people's views and any patterns / areas of consensus. Words, phrases and language used were reviewed to account for context and nuances.
17. A three-tier coding hierarchy (as shown in **Figure 1** below) was applied. Three primary and 13 secondary themes were initially developed to form a framework by which views could be grouped into meaningful topics. Tertiary themes were then devised and allocated to a secondary theme, based upon the content contained within the representation.

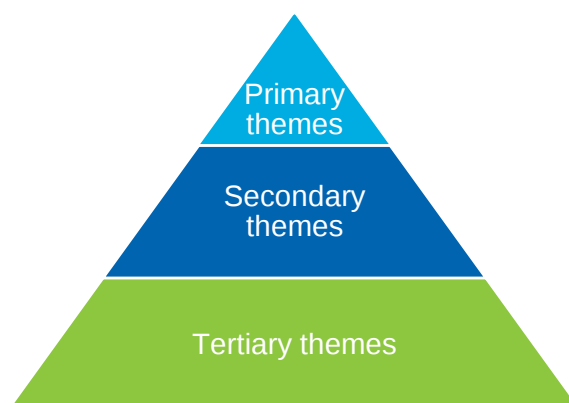


Figure 1 – Coding hierarchy

18. When viewing the results from the thematic analysis, it should be noted that:
- Themes represent opinions and do not necessarily constitute fact.
 - Themes are ordered from largest to smallest by the number of mentions.
 - Where the number of mentions is equal, themes are ordered alphabetically A-Z.
 - Due to the nature of qualitative data, number of mentions indicates the magnitude of response but not necessarily the significance or material bearing of a theme.
 - Most respondents have provided comments that relate to more than one theme.

Statistical analysis

Opinion types

19. Altogether, 56 items of representation were received. As shown in **Figure 2** below, almost 60% of those were objections.

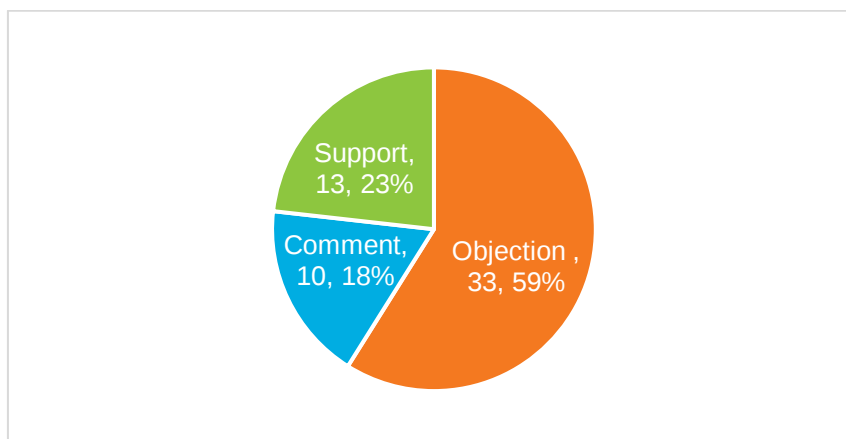


Figure 2 – Representation by opinion type

Respondent type

20. Eight types of respondents chose to submit representation. Of these, 39% were a resident outside and 36% a business inside the area covered by the current TRO near Horseshoe Common. The latter group representing almost 50% of the objections.

Table 2 – Types of respondents which took part

RESPONDENT TYPE <i>(ordered largest to smallest, then A-Z)</i>	ALL MESSAGES		OBJECTIONS	
	Quantity	Proportion	Quantity	Proportion
Resident outside the area covered by the TRO near Horseshoe Common	22	39%	12	36%
Business inside the area covered by the TRO near Horseshoe Common	20	36%	16	49%
Resident inside the area covered by the TRO near Horseshoe Common	7	13%	4	12%
BCP councillor / officer	2	4%	0	0%
Passenger transport provider	2	4%	0	0%
Business outside the area covered by the TRO near Horseshoe Common	1	2%	1	3%
Community / resident association	1	2%	0	0%
Emergency services	1	2%	0	0%
Total	56	100%	33	100%

Businesses

21. Of all the businesses which took part (21), 62% objected and endorsed a letter signed by Nick Robinson of 3 Paper Building Barristers (3PB). 3PB Barristers issued legal representation (see **Appendix D – Legal representation issued by 3PB Barristers**) on behalf of their client El Murrino, a food and drink establishment located at number 154 on Old Christchurch Road. Mr Robinson's letter included the endorsement of 18 companies. However:
- Three had already submitted separate representation to the consultation:
 - El Murrino references MTCE 2022-0002 and MTCE 2022-0024
 - Doner Kebab UK reference MTCE 2022-0023
 - Subway reference MTCE 2022-0029.
 - Another two appeared to be subsidiaries of the same company, with identical forenames and mobile phone numbers:
 - Camel Bar and Fish & Chips, both listed to Tarek
 - Jazz Fast Food and Marimis, both listed to Ismail.
22. Therefore, to avoid double counting, Mr Robinson's letter was logged as 13 separate items of representation under reference numbers MTCE 2022-0043 through to MTCE-2022-0056. For completeness, themes raised in these items were added to the separate representation made by El Murrino, Doner Kebab UK and Subway.

Residents

23. Of all the residents that took part 29 or 24% identified as living within the area covered by the TRO near Horseshoe Common. Of those 7 or 33% objected, mentioning that their home was located in the Citrus Building on Madeira Road.

Other stakeholders

24. BCP Taxi Private Hire Association, MoreBus and West Hill Residents Association all expressed support, as did Councillor Slade and the Council's Night Time Economy Coordinator. Representation from the emergency services came from the Local Policing Area Commander for BCP at Dorset Police, who neither objected nor supported the scheme.

Thematic analysis

Primary themes

25. As presented in **Table 3** below, almost 75% of tertiary themes that were mentioned related to the enforcement of the existing TRO near Horseshoe Common. Far fewer themes referenced the enforcement of other current moving TROs in the BCP area.

Table 3 – Primary themes

Description	Number of mentions	Proportion
Remarks about the Council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common.	166	72%
Remarks about the Council's proposals for enforcing other moving TROs in the BCP area.	34	15%
Remarks not specifically relevant to this consultation but could still be considered.	32	14%
Total	232	100%

Secondary themes

26. As highlighted in **Table 4** below, 36% of secondary themes received 10 or more mentions. Almost 60% of tertiary themes that were mentioned were associated with a suggestion or concern about the enforcement of the existing TRO near Horseshoe Common.

Table 4 – Secondary themes

Description	Number of mentions	Proportion	Designated primary theme
Suggestions	83	36%	Remarks about the Council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common.
Concerns raised	50	22%	
Positives cited	16	7%	
Methods of enforcement	9	4%	
Communication	8	3%	
Opportunities	12	5%	Remarks about the Council's proposals for enforcing other moving TROs in the BCP area.
Challenges	9	4%	
Extra locations requiring enforcement	8	3%	
Ideas	4	2%	
Alternatives	1	1%	
Level of agreement with the principle of enforcement	16	7%	Remarks not specifically relevant to this consultation but could still be considered.
Existing TRO restrictions	11	5%	
Other	5	2%	
Total	232	100%	N/A

Tertiary themes

27. In total, 80 different tertiary themes were coded, as set in **Table 5** below. Of these, 10 had 5 or more mentions and 6 had more than 7 mentions. The top 10 tertiary themes with the most mentions are as follows from largest to smallest:
- Exemptions required for delivery vehicles including those associated with take-away food.
 - Would exacerbate cost-of-living pressures faced by businesses.
 - Exemptions should be applied for taxis.
 - Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses.
 - Exemptions should be provided for disabled people.
 - Lower speed limits would be a better option.
 - Would improve safety for the night-time economy.
 - Will encourage compliance.
 - Indiscriminate enforcement of TROs could lead to an erosion of civil liberties.
 - Exemptions needed for residents and / or those with parking permits.
28. Eight of the tertiary themes in the bulleted list above are what objectors most frequently cited.
29. In terms of the Council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common:
- the Local Policing Area Commander for BCP at Dorset Police argued that:
 - Cameras are reactive not proactive so they offer no safety benefit i.e., they will not stop drivers under the influence of alcohol or drugs.
 - Retractable bollards would offer better protection for pedestrians.
 - Security staff could be deployed to enforce the existing restrictions.
 - A road safety review for the night-economy is required.
 - BCP Taxi Private Hire Association and MoreBus both reasoned that they should be granted exemptions for their respective operations.
30. Finally, with regards to the structure of **Table 5** it should be noted that:
- tertiary themes are ordered from largest to smallest by the number of mentions for their designated secondary theme (as per **Table 4**)
 - the percentages are rounded to one decimal place, unlike those in **Table 3** and **Table 4**, which were rounded to whole numbers. This divergence was applied to help clarify the proportionality of those tertiary themes with a low amount of mentions. Otherwise, a zero would have been shown.

Table 5 – Tertiary themes

Description	Number of mentions	Proportion	Designated secondary theme	Designated primary theme	
Exemptions required for delivery vehicles including those associated with take-away food	20	8.6%	Suggestions	Remarks about the Council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common	
Exemptions should be applied for taxis	17	7.3%			
Exemptions should be provided for disabled people	16	6.9%			
Lower speed limits would be a better option	16	6.9%			
Exemptions needed for residents and / or those with parking permits	5	2.2%			
Exemptions should be granted for wardens / support staff associated with student accommodation	2	0.9%			
Exemptions required for emergency services	1	0.4%			
Exemptions should be considered for buses	1	0.4%			
Exemptions should be given for bicycles, scooters and other non-motorised wheeled modes	1	0.4%			
Exemptions should be given for people visiting residents in the zone	1	0.4%			
Exemptions should be made for on-call doctors and health-care workers	1	0.4%			
Pedestrianisation would be a better option	1	0.4%			
Review of road safety for the night-economy	1	0.4%			
Would exacerbate cost-of-living pressures faced by businesses	18	7.8%			Concerns raised
Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses	16	6.9%			
Waste of time and money	4	1.7%			
Another anti-car measure designed to penalise drivers	3	1.3%			
Cameras are reactive not proactive so they offer no safety benefit i.e., they will not stop drivers under the influence of alcohol or drugs	2	0.9%			
Revenue raised from PCNs	2	0.9%			
Anti-social vehicle use is not an issue here	1	0.4%			
Capital and revenue costs could outweigh income generated from PCNs	1	0.4%			
Disadvantages those who are not familiar with the area	1	0.4%			
Increase in U-turns at the entrances to the zone	1	0.4%			
Restricting vehicle access would be detrimental to natural surveillance and safety, particularly for women	1	0.4%			
Would improve safety for the night time economy	7	3.0%	Positives cited		
Would improve safety for all road users	4	1.7%			
Existing restrictions are regularly flouted	3	1.3%			
Scheme would be cost neutral for taxpayers	2	0.9%			
Physical modal filter may be better	2	0.9%	Methods of enforcement		
Issue PCNs	1	0.4%			
Issue penalty points on driving licence records	1	0.4%			
Issuing warning notices during the first 6 months post implementation is excessively lenient	1	0.4%			
More frequent police patrols	1	0.4%			
Naming and shaming	1	0.4%			
Retractable bollards would offer better protection for pedestrians	1	0.4%			
Security staff manning the existing restrictions	1	0.4%			
Signage should be clear and obvious	3	1.3%	Communication		
Existing signage is obscured by street furniture and / or foliage	1	0.4%			
Existing signage is poorly illuminated	1	0.4%			
Google Maps Street View is out of date, showing that the restrictions apply midnight-5am	1	0.4%			
Leaflet drop to affected premises	1	0.4%			
Update web mapping and satellite navigation platforms such as Google Maps	1	0.4%			
Will encourage compliance	6	2.6%	Opportunities	Remarks about the Council's proposals for enforcing other moving TROs in the BCP area	
Will help improve traffic flow	2	0.9%			
Conditions controlling how surpluses from PCNs are spent will benefit constituents	1	0.4%			
Will help mitigate pressures on police resources	1	0.4%			
Will help reduce traffic dominance	1	0.4%			
Will support bus priority measures contained within the Bus Service Improvement Plan	1	0.4%			
Council should focus on other more pressing matters	3	1.3%	Challenges		
Artificial Intelligence and / or cameras are an invasion of privacy	2	0.9%			
What is the purpose of this consultation?	2	0.9%			
Decision making criteria for site selection needs to be clarified	1	0.4%			
Cost of cameras	1	0.4%			
Keyhole Bridge on Whitecliff Road in Poole	2	0.9%	Extra locations requiring enforcement		
Entire length of Old Christchurch Road Bournemouth - parking restrictions routinely flouted	1	0.4%			
Parked vehicles blocking the vehicle crossover for the Citrus Building on Madeira Road	1	0.4%			
Post Office Road, Bournemouth - vehicles routinely disobey the "No Entry" restriction	1	0.4%			
Rosemary Road, Poole - drivers frequently exceed the 20mph speed limit	1	0.4%			
West Hill Road in West Cliff Bournemouth	1	0.4%			
Yellow box markings on Macaulay Road at the junction with Lower Blandford Road in Broadstone	1	0.4%	Ideas		
Appeals process should allow for adequate representation	1	0.4%			
Appeals process should not require one to appear in person and accept representation either online, on the phone, or by post;	1	0.4%			
Leniency should be applied in cases when drivers contravene a moving TRO when giving way to an emergency vehicle	1	0.4%			
Revenue generated from moving traffic contraventions should also be used to enforce parking restrictions	1	0.4%			
Do not proceed with the proposals - they are not warranted	1	0.4%	Alternatives		
Indiscriminate enforcement of TROs could lead to an erosion of civil liberties	5	2.2%	Level of agreement with		Remarks not
Could create driver resentment	4	1.7%			

Description	Number of mentions	Proportion	Designated secondary theme	Designated primary theme
Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford	4	1.7%	the principle of enforcement	specifically relevant to this consultation but could still be considered
Moving traffic contraventions should only be enforced by the police	2	0.9%		
What is wrong with the current method of enforcement?	1	0.4%		
Restrictions which prohibit motor vehicles are not justified	4	1.7%	Existing TRO restrictions	
Illegal and inconsiderate parking is widespread	3	1.3%		
Does the prohibition of motor vehicles TRO near Horseshoe Common cover all of Madeira Road?	1	0.4%		
Has the hours of operation changed for the prohibition of motor vehicles TRO near Horseshoe Common?	1	0.4%		
More width restrictions needed to discourage HGVs	1	0.4%		
Should be scrapped	1	0.4%		
Net zero agenda is being imposed on the public without a democratic mandate	2	0.9%		
Motorised vehicles have become too big	1	0.4%		
Noise-detecting traffic cameras should be installed in Bournemouth town centre to tackle excessive vehicle revving and / or illegal exhausts	1	0.4%		
Traffic issues associated with school arrival and departure times	1	0.4%		

Council responses

31. Council responses to themes raised in the representation are provided in **Table 6** below. Responses are ordered according to how the themes are listed in **Table 5** above.
32. Overall, none of the 80 tertiary themes are considered to have a material bearing on whether to proceed with the proposals. Nevertheless, in terms of the TRO near Horseshoe Common, the Council could consider providing dedicated loading and parking bays on the edge of the zone to support businesses, disabled users, residents and taxi companies if required.

Table 6 – Council responses to tertiary themes

Description	Council response
Exemptions required for delivery vehicles including those associated with take-away food	The proposals being consulted only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative can be enforced subject to further consultation. No new restrictions are proposed. Currently only emergency services displaying blue flashing lights and non-motorised vehicles are exempt from the TRO near Horseshoe Common. Prohibited vehicles which are currently entering the zone during the restricted times are contravening the TRO. Motorists must obey traffic restrictions irrespective of how they are enforced. Nevertheless, the council will consider providing dedicated loading and parking bays on the edge of the zone if required. Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals.
Exemptions should be applied for taxis	
Exemptions should be provided for disabled people	
Lower speed limits would be a better option	A 20mph speed limit is already in place. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Exemptions needed for residents and / or those with parking permits	The proposals being consulted only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative can be enforced subject to further consultation. No new restrictions are proposed. Currently only emergency services displaying blue flashing lights and non-motorised vehicles are exempt from the TRO near Horseshoe Common. Prohibited vehicles which are currently entering the zone during the restricted times are contravening the TRO. Motorists must obey traffic restrictions irrespective of how they are enforced. Nevertheless, the Council will consider providing dedicated loading and parking bays on the edge of the zone if required. Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals.
Exemptions should be granted for wardens / support staff associated with student accommodation	
Exemptions required for emergency services	
Exemptions should be considered for buses	
Exemptions should be given for bicycles, scooters and other non-motorised wheeled modes	
Exemptions should be given for people visiting residents in the zone	
Exemptions should be made for on-call doctors and health-care workers	
Pedestrianisation would be a better option	The proposals being consulted on only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative can be enforced subject to further consultation. No new restrictions are proposed. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals. It is noted that the enforcement of the current TRO will effectively create a pedestrianised zone in the hours of operation.
Review of road safety for the night-economy	The proposals being consulted on will support the current strategy and help address concerns raised by Dorset Police and the Council's Night Time Economy Team. Therefore, this theme is considered to be being addressed by this proposal however the Council will monitor the impact of the scheme and keep the strategy under review.
Would exacerbate cost-of-living pressures faced by businesses	Businesses which already comply with the existing TRO restrictions will see no change. Those that do not, could be issued with a Penalty Charge Notice (PCN). Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses	The proposals being consulted only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative can be enforced subject to further consultation. No new restrictions are proposed. The current TRO was introduced in 2015 and revised in 2017 and at that time a consultation was carried out in accordance with the relevant legislation. Further information is available in the section of this report labelled Vehicle prohibition near Horseshoe Common . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Waste of time and money	The proposals being consulted on are in support of the current road safety strategy, concerns raised by Dorset Police and the Council's Night-time Economy Team. The proposals will incur a cost and will be funded by the Local Transport Plan capital grant. Prioritisation of the LTP capital grant is subject to many competing requests and priorities and a decision has been made to use the grant for this purpose. Therefore, whilst a consideration, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Another anti-car measure designed to penalise drivers	In accordance with Department for Transport (DfT) statutory guidance , the proposals are only about encouraging compliance with the current restrictions. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Cameras are reactive not proactive so they offer no safety benefit i.e., they will not stop drivers under the influence of alcohol or drugs	It is recognised that cameras will not physically stop a driver impaired by alcohol or drugs. Currently the zone is widely contravened and it may be that an impaired driver would be encouraged to enter the zone as they may be simply following other vehicles. The improved enforcement of the zone is expected to reduce the number of vehicles contravening the restriction and may therefore indirectly assist in reducing the number of impaired drivers entering the zone. An impaired driver could cause a serious incident anywhere on the road network. Generally, such drivers exhibit unpredictable behaviour, so there may be limits as to the degree in which physical protections would work and it is not practical to introduce those across the whole conurbation. Camera enforcement is likely to break the current pattern of casual abuse. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals and reducing the number of motor vehicles contravening the TRO and entering the zone is likely to reduce the risk to pedestrians in the zone.
Revenue raised from PCNs	DfT statutory guidance includes conditions on the revenue raised from PCNs. A summary is provided in paragraph 23 of Appendix A – Public consultation information document . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Anti-social vehicle use is not an issue here	There is a safety issue, caused by drivers ignoring the restrictions and also drivers entering the zone may be undermining the town centre dispersal strategy with adverse outcomes for public order. Therefore, this theme is thought to be a mistaken impression and not considered to have a material bearing on whether to proceed with the proposals.
Capital and revenue costs could outweigh income generated from PCNs	DfT statutory guidance stipulates that 'raising revenue should not be an objective of civil enforcement of...moving traffic contraventions'. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Disadvantages those who are not familiar with the area	Motorists must obey traffic restrictions irrespective of whether they are familiar with an area or not. To help drivers comply, the Council has made available an online interactive TRO map at Traffweb . Presently, this shows all types of TRO in Bournemouth but only static TROs in Christchurch and Poole. Moving TROs for Christchurch and Poole will be added in due course, following future Consolidation Orders. The zone is also well signed in accordance with the Traffic Signs Regulations and General Directions 2016. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.

Description	Council response
Increase in U-turns at the entrances to the zone	The proposals being consulted only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative can be enforced subject to further consultation. No new restrictions are proposed. Similarly, there will be no change to the existing street lighting provisions. Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals.
Restricting vehicle access would be detrimental to natural surveillance and safety, particularly for women	
Would improve safety for the night time economy	
Would improve safety for all road users	
Existing restrictions are regularly flouted	
Scheme would be cost neutral for taxpayers	Noted
Physical modal filter may be better	As discussed in the section of this report labelled Past and current enforcement , full-width barriers were considered impractical because they slowed down emergency response times. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Issue PCNs	The proposals would allow the Council to issue a PCN when an infringement is committed, in a similar way to how parking offences are presently dealt with. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Issue penalty points on driving licence records	This option is not available to Local Highway Authorities (LHAs). As stated on gov.uk , the courts issue endorsements (otherwise known as penalty points). Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Issuing warning notices during the first 6 months post implementation is excessively lenient	DfT statutory guidance states that such an approach should be undertaken for first time offences and the Council must comply with this requirement. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
More frequent police patrols	Dorset Police are constrained by limited resources, meaning this approach is not viable. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Naming and shaming	Such an approach is not considered to provide a significant deterrent and also presumes that Dorset Police have the resources to enforce the current restrictions. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Retractable bollards would offer better protection for pedestrians	The merits of retractable bollards are well documented. However, they do also have their drawbacks. Firstly, they are more expensive to install than cameras, particularly when there are multiple entry points, like there are in this case. Additionally, maintenance is more difficult and the bollards themselves can create hazards. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Security staff manning the existing restrictions	As discussed in the section of this report labelled Past and current enforcement , such an approach is not considered to be a viable long-term approach because it is labour intensive and expensive. The Council uses a contractor to provide staff with powers to direct traffic. These staff cannot physically stop traffic or conduct enforcement. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Signage should be clear and obvious	Signage used for the proposed enforcement of the TRO near Horseshoe Common adheres to DfT statutory guidance and the Traffic Signs Regulations and General Directions 2016. Therefore, the Council agrees however it is noted that the signage must comply with relevant legislation that defines the size of signs and script that can be lawfully used.
Existing signage is obscured by street furniture and / or foliage	In 2022, the council reviewed all the signage associated with the existing TRO near Horseshoe Common to ensure that it was accurate and compliant with national standards. It is true that google maps street view images are of various dates however the Council does not control that. Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals.
Existing signage is poorly illuminated	
Google Maps Street View is out of date, showing that the restrictions apply midnight-5am	
Leaflet drop to affected premises	In accordance with DfT statutory guidance , the Council will 'consider the full range of media available to them when communicating with the public'. As part of this consultation, leaflets were posted to premises inside the area covered by the existing TRO near Horseshoe Common. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Update web mapping and satellite navigation platforms such as Google Maps	The Council is not responsible for the accuracy of third-party satellite navigation platforms. Nevertheless, the Council does provide information about highway access, special events, road closures and roadworks onto one.network . That system links with most satellite navigation platforms. Furthermore, the Council has made available an online interactive TRO map at Traffweb . Presently, this shows all types of TRO in Bournemouth but only static TROs in Christchurch and Poole. Moving TROs for Christchurch and Poole will be added in due course, following future Consolidation Orders. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Will encourage compliance	Noted
Will help improve traffic flow	Noted
Conditions controlling how surpluses from PCNs are spent will benefit constituents	Noted
Will help mitigate pressures on police resources	Noted
Will help reduce traffic dominance	Noted
Will support bus priority measures contained within the Bus Service Improvement Plan	Noted
Council should focus on other more pressing matters	The purpose of this consultation is explained in Appendix A – Public consultation information document . Furthermore, the proposals being consulted on support the road safety strategy, help address concerns raised by Dorset Police and also support the Council's Night-time Economy Team and dispersal strategy. The proposals will incur a cost and will be funded by the Local Transport Plan capital grant. Prioritisation of the LTP capital grant is subject to many competing requests and priorities and a decision has been made to use the grant for this purpose. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Artificial Intelligence and / or cameras are an invasion of privacy	Camera enforcement would align with approved devices, as specified in the DfT's Traffic enforcement equipment certification guidance for local councils and the Home Office's Update to Surveillance Camera Code of Practice . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
What is the purpose of this consultation?	The purpose of this consultation is explained in Appendix A – Public consultation information document . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.

Description	Council response
Decision making criteria for site selection needs to be clarified	Please refer to paragraph 19 in Appendix A – Public consultation information document . In accordance with DfT statutory guidance , enforcement will be targeted at specific problem areas and not for every sign or marking. Furthermore, in June 2021, the Council published updated guidance regarding its assessment process for Minor Transport Scheme Requests . This includes TROs. Further explanation is also included in this Officer Decision Record. Therefore, this theme has been addressed and is not considered to have a material bearing on whether to proceed with the proposals.
Cost of cameras	Costs are still being finalised. However, in December 2022 the Council received indicative costs from Videalert Limited for a series of cameras as per the proposed set up illustrated by Figure 1 in Appendix A – Public consultation information document . The total cost was estimated at £140,266. This included a one-off Vehicle Certification Agency approval, six cameras and five years annual support, covering hardware, hosting and software. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Keyhole Bridge on Whitecliff Road in Poole	Additional enforcement locations for moving TROs would be determined on a case-by-case basis where there is an absolute need. In accordance with DfT statutory guidance , enforcement will be targeted at specific problem areas and not for every sign or marking. Furthermore, in June 2021, the Council published updated guidance regarding its assessment process for Minor Transport Scheme Requests . This includes TROs. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Entire length of Old Christchurch Road Bournemouth - parking restrictions routinely flouted	We are sorry to hear of this and appreciate that such incidents can be extremely frustrating. If this arises in future, you can report the matter by calling 01202 128900 or emailing parking@bcpcouncil.gov.uk . Further information is available here . These themes are not considered to have a material bearing on whether to proceed with the proposals that only relate to enforcing part time road closures at Horseshoe Common and provide an opportunity for camera enforcement to be used elsewhere subject to further consultation.
Parked vehicles blocking the vehicle crossover for the Citrus Building on Madeira Road	
Post Office Road, Bournemouth - vehicles routinely disobey the "No Entry" restriction	Additional enforcement locations for moving TROs would be determined on a case-by-case basis where there is an absolute need. In accordance with DfT statutory guidance , enforcement will be targeted at specific problem areas and not for every sign or marking. Furthermore, in June 2021, the Council published updated guidance regarding its assessment process for Minor Transport Scheme Requests . This includes TROs. Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals however, if powers are delegated to the Council, then that would provide a future opportunity for the Council to consider additional locations, subject to further consultation and funding being identified.
Rosemary Road, Poole - drivers frequently exceed the 20mph speed limit	
West Hill Road in West Cliff Bournemouth	
Yellow box markings on Macaulay Road at the junction with Lower Blandford Road in Broadstone	
Appeals process should allow for adequate representation	The Council will abide by DfT statutory guidance regarding challenges, representations and appeals . Therefore, these themes are not considered to have a material bearing on whether to proceed with the proposals.
Appeals process should not require one to appear in person and accept representation either online, on the phone, or by post;	
Leniency should be applied in cases when drivers contravene a moving TRO when giving way to an emergency vehicle	
Revenue generated from moving traffic contraventions should also be used to enforce parking restrictions	DfT statutory guidance includes conditions on the revenue raised from PCNs. A summary is provided in paragraph 23 of Appendix A – Public consultation information document . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Do not proceed with the proposals - they are not warranted	The purpose of this consultation is explained in Appendix A – Public consultation information document . Furthermore, the proposals being consulted on support the road safety strategy, help address concerns raised by Dorset Police and also support the Council's Night-time Economy Team and dispersal strategy. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Indiscriminate enforcement of TROs could lead to an erosion of civil liberties	In accordance with DfT statutory guidance , enforcement will be targeted at specific problem areas and not for every sign or marking. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Could create driver resentment	In accordance with DfT statutory guidance , the proposals are about encouraging compliance with the current restrictions. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford	The proposals being consulted only involve changing how the existing prohibition of motor vehicles near Horseshoe Common is enforced and how other moving TROs in the BCP administrative area can be enforced subject to further consultation. No new restrictions are proposed. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals and there is no intention to use the enforcement cameras as part of a wider environmental lockdown.
Moving traffic contraventions should only be enforced by the police	Dorset Police are constrained by limited resources, meaning this approach is not viable. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
What is wrong with the current method of enforcement?	Please refer to the section of this report labelled Past and current enforcement . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Restrictions which prohibit motor vehicles are not justified	Section 16 of the Traffic Management Act 2004 permits LHAs to 'regulate or co-ordinate the uses made of any road (or part of a road)'. In the case of the TRO near the southern end of Horseshoe Common, the restriction is in place due to pedestrian footfall associated with the night-time economy and associated road safety and public order concerns. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Illegal and inconsiderate parking is widespread	You can report such matters by calling 01202 128900 or emailing parking@bcpcouncil.gov.uk . Further information is available here . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Does the prohibition of motor vehicles TRO near Horseshoe Common cover all of Madeira Road?	The existing restriction only covers a small section of Madeira Road between the junction with Old Christchurch Road and the vehicle crossover for The Citrus Building (Leyton Mount). Map tile reference X11 in Appendix B – Details of the vehicle prohibition near Horseshoe Common provides an illustration. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Has the hours of operation changed for the prohibition of motor vehicles TRO near Horseshoe Common?	The hours of operation for the restriction changed in November 2017 as discussed in the section of this report labelled Vehicle prohibition near Horseshoe Common . Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
More width restrictions needed to discourage HGVs	The Council introduces width restrictions to protect structures and / or encourage HGVs to use more suitable routes. The proposals being consulted on do not involve introducing any such measures.

Description	Council response
	Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Should be scrapped	Public roads are subject to regulations which govern or restrict their use. TROs are the legal means for introducing these measures on a permanent, temporary or experimental basis. Restrictions exist to tackle factors like air quality, congestion, emergency service response times, maintenance, road safety and sustainable transport. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Net zero agenda is being imposed on the public without a democratic mandate	The Net Zero Strategy is a central government policy paper setting out policies and proposals for decarbonising all sectors of the UK economy in order to meet emissions targets by 2050. The proposals being consulted are not related to this. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Motorised vehicles have become too big	The Driving and Vehicle Standards Agency is responsible for such matters. Additionally, the proposals being consulted are not related to this. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Noise-detecting traffic cameras should be installed in Bournemouth town centre to tackle excessive vehicle revving and / or illegal exhausts	Trials are underway in Bradford, Birmingham, Bristol and Great Yarmouth to reduce noise pollution from rowdy or illegal road traffic. Their use is still very much in their infancy and the Council awaits further guidance from the DfT on timescales and possible wider application. Additionally, the proposals being consulted are not related to this. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.
Traffic issues associated with school arrival and departure times	This is a widespread issue not mutually exclusive to BCP. Additionally, the proposals being consulted are not related to this. Therefore, this theme is not considered to have a material bearing on whether to proceed with the proposals.

Conclusions

Synopsis

33. Overall, 56 items of representation were received. Of these, almost 60% were objections. Objectors were predominately businesses inside the area covered by the TRO near Horseshoe Common (75%), with residents inside the zone contributing a further 12%. Both the local bus operator and taxi private hire association indicated their support. However, the Local Area Commander at Dorset Police neither agreed nor disagreed.
34. Thematic analysis identified 80 tertiary themes. Almost 60% of those were associated with a suggestion or concern about the enforcement of the existing TRO near Horseshoe Common. Objectors typically argued that:
 - Exemptions should be applied for delivery vehicles, disabled people, residents and / or taxis.
 - Proposals would exacerbate cost-of-living pressures faced by businesses.
 - Proposed prohibition of motor vehicles near Horseshoe Common is procedurally unfair and there has been no consultation with affected businesses.
 - Lower speed limits would be a better option.
 - Indiscriminate enforcement of TROs could lead to an erosion of civil liberties.
35. However, as explained in the section of this report labelled **Council responses**, these claims were incorrect and none of the 80 tertiary themes are considered to have a material bearing on whether to proceed with the proposals.
36. Unfortunately, it would appear that many of the objectors are unaware of the restrictions that have existed near Horseshoe Common since 2015 with the revised timings in place since November 2017. Consequently, it's likely that some are inadvertently contravening the restriction despite the current clear signage and barriers.
37. Fundamentally, the proposals being consulted only involve changing how:
 - The existing vehicle prohibition near Horseshoe Common in Bournemouth is enforced.
 - Other moving TROs in the BCP administrative can be enforced subject to further consultation.
38. No new restrictions are proposed. The restriction near Horseshoe Common (such as hours of operation and which vehicles are prohibited), will remain the same as currently exists. A full explanation of the restriction can be found in the section of this report labelled **Vehicle prohibition near Horseshoe Common**.

Next steps

39. Evidently, this consultation exercise has highlighted the importance of communication. Well before any planned camera enforcement takes place, it would be prudent to undertake a public information campaign via the Council's established communication channels. This will enable businesses, customers, residents and visitors to adapt their behaviour and thereby avoid a PCN.
40. In terms of the restriction near Horseshoe Common, the Council could consider:
 - Providing dedicated loading and parking bays on the edge of the zone as a means of mitigation.
 - Encouraging businesses to adapt their operations, either by using cargo bicycles for last mile deliveries and / or changing the hours of their operation (the current restrictions only cover a seven-hour window, most of which falls within the deep night when general human activity is lower).
41. Timescales have yet to be confirmed. Indicatively, implementation could take place towards the end of 2023 or early 2024. However, this is subject to prerequisites. Firstly, the Council needs to submit its application to the DfT for enforcement powers by the deadline on 16 February 2023. That application would then have to be approved by Parliament via a Designation Order. After this there would be lead times associated with procurement, installation and communication.

Appendix A – Public consultation information document



Civil enforcement area for moving traffic contraventions

Public consultation information document

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Preamble

1. Bournemouth, Christchurch and Poole (BCP) Council proposes to submit an application to the Secretary of State for Transport to obtain a Designation Order as a civil enforcement area for moving traffic contraventions. If approved, the council would have new powers to enforce against dangerous and unlawful vehicle use within its administrative boundaries.
2. Initially, the council's application will be for a single Traffic Regulation Order (TRO) where non-compliance is particularly acute. In accordance with Department for Transport (DfT) [statutory guidance](#), the council is also intending to request that powers be made available across the whole BCP area so that enforcement options for other TROs can be considered in future subject to further consultations.
3. As part of this application, the council is undertaking a six-week public consultation. This document explains the background and purpose of that exercise.

What is the problem and where?

4. Public roads are subject to regulations which govern or restrict their use. TROs are the legal means for introducing these measures on a permanent, temporary or experimental basis. Broadly, there are two types:
 - moving TROs which cover access, direction of travel, priority over other vehicles, speed limits, turning movements, weight limits and width restrictions
 - static TROs which apply to on-street parking (loading / waiting).
5. As a local highway authority (LHA), BCP council is responsible for managing TROs within its administrative boundary. However presently, the council is only able to enforce TROs relating to parking and bus only areas such as bus lanes. Enforcement for all other moving TROs is the remit of Dorset Police and constrained by limited resources.
6. Near the southern end of Horseshoe Common in Bournemouth, there are seven roads which are subject to a prohibition of motor vehicles between the hours of 10pm and 5am, seven days a week. These include:
 - a. Dean Park Crescent between Elvis House and the junction with Old Christchurch Road
 - b. Fir Vale Road between the junctions with Old Christchurch Road and St Peter's Road
 - c. Hinton Road between the junctions with Beale Place and Gervis Place
 - d. Lorne Park Road between the junction with Old Christchurch Road and a point approximately 25 metres north-west of that junction
 - e. Madeira Road between the junction with Old Christchurch Road and the vehicle crossover for The Citrus Building (Leyton Mount)

- f. Old Christchurch Road between the eastern end of the Pedestrian Zone outside No.101 and the junction with Glen Fern Road
 - g. St Peter's Road between the junctions with Hinton Road and Glen Fern Road.
7. The restriction is in place due to pedestrian footfall associated with the night-time economy. Unfortunately, this prohibition is routinely disobeyed making it less safe.
 8. An illustration of the TRO is provided in **Figure 1** below. For reference, the council has an online interactive TRO map available at [Traffweb](#). Presently, this shows all types of TRO in Bournemouth but only static TROs in Christchurch and Poole.

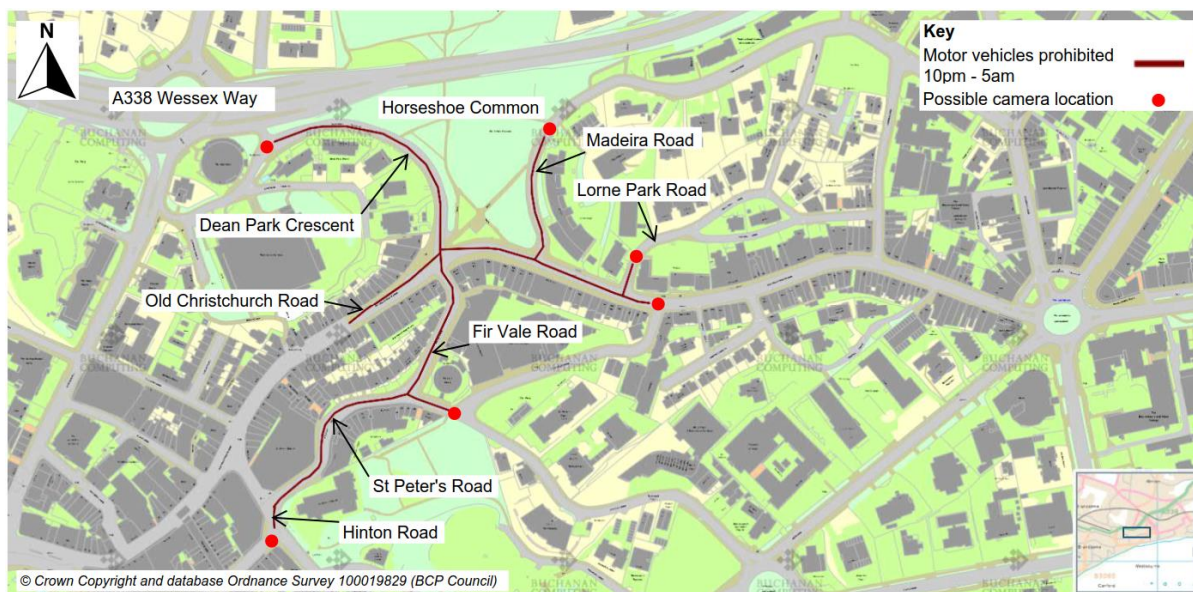


Figure 1 – Prohibition of motor vehicles TRO near Horseshoe Common

What could change?

9. If granted, these new powers would enable the council to enforce all moving TROs within the BCP conurbation by monitoring compliance using approved devices and issuing Penalty Charge Notices (PCNs) to those that fail to obey.
10. Initially, enforcement would be confined to the prohibition of motor vehicles TRO near Horseshoe Common. The existing restriction would remain the same but the means of enforcement would change.
11. Thereafter and subject to further public consultations, the council would be able to consider enforcing other places with moving TROs including:
 - a. areas and times in which certain vehicle types are forbidden (for example modal filters, pedestrian zones and school streets)
 - b. banned turning movements at junctions
 - c. no entries

- d. one-way streets
- e. yellow box junctions
- f. weight and width limits.

How have we got here?

- 12. On 31 May 2022, regulations were introduced that allowed all LHAs in England to apply for moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004. Until then, this option was only available to LHAs within London.
- 13. To acquire these powers, LHAs are required to submit an application to the DfT for a Designation Order. Applications have to be submitted by a set deadline because Designation Orders are issued in tranches.

Why now?

- 14. Applications for Tranche 2 are currently open. On 1 December 2022, the DfT issued a communication to all LHAs in England that had not already applied advising that:
 - a. the deadline for Tranche 2 applications had been extended until 15 February 2023
 - b. Tranche 3 may not take place in 2023 as originally planned.
- 15. Over the past two years, the council has been reviewing its existing TROs and streamlining them under consolidation orders to improve accuracy and ensure that what is on the highway matches legal records. In the case of the prohibition of motor vehicles TRO near Horseshoe Common, all signage has recently been updated to certify that it is compliant with national standards.

When could things change?

- 16. If the council's application is successful, enforcement could commence in summer 2023. At this point, enforcement would only be for the prohibition of motor vehicles TRO near Horseshoe Common. Going forward, the council would then be able to consider additional enforcement locations, subject to further consultation. However, these timescales would be contingent on approval by Parliament of the Designation Order.

How could it affect you?

17. Motorists must obey traffic restrictions irrespective of whether they are actively enforced. Drivers who comply with moving traffic restrictions will see no change. Conversely, for those that do not, they could be issued with a PCN.

How could the new enforcement powers work in practice?

Rules

18. The DfT have published [statutory guidance](#) governing how LHAs can enforce moving traffic contraventions.

Selection criteria

19. Additional locations would be determined on a case-by-case basis where there is an absolute need, using a robust decision-making process. Objectives for the deployment of cameras would relate to factors like air quality, congestion, emergency service response times, maintenance, road safety and sustainable transport. Public consultation would take place for each site prior to any decision making and subsequent enforcement commencing.

Equipment

20. Approved devices are prescribed in [guidance on certification of approved devices](#) and the [Home Office Surveillance Camera Code of Practice](#). With regards to the prohibition of motor vehicles TRO near Horseshoe Common, BCP Council is proposing to use Automatic Number Plate Recognition (ANPR) cameras. ANPR would be installed at each of the six entry points shown in [Figure 1](#).

Notification

21. For all affected locations, the council would publicise any changes to enforcement well in advance of start dates. This would be via signs on the ground and through multiple communication channels. For reference, all highway consultations are uploaded onto haveyoursay.bcpCouncil.gov.uk/hub-page/highway-consultations.
22. During the first six months post implementation, warning notices would be issued for first time offences.

Revenue

23. The DfT has stipulated that:
- a. raising revenue should not be the purpose of penalty charges and the objective should be to encourage 100% compliance
 - b. charges should be proportionate
 - c. surpluses from penalty charges must be applied to all or any one of:
 - i. deficits arising from enforcement
 - ii. environmental improvements
 - iii. costs incurred in the provision or operation of public transport
 - iv. highway improvement projects.
24. The council will adhere to all applicable guidance and regulations.

Challenging PCNs

25. PCNs are issued to the Registered Keeper of a vehicle. They include details on how a challenge can be made. For the first six months of operation warning notices would be sent for first time offences.

What is being asked and why?

26. The purpose of the consultation is to allow the community to give their views on:
- a. the council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common
 - b. the council's proposals for enforcing other TROs in the BCP area
 - c. communication of enforcement
 - d. methods of enforcement
 - e. alternative ideas and suggestions.
27. Please note that as per DfT [statutory guidance](#), this consultation is not about:
- a. whether people agree with the principle of moving traffic enforcement
 - b. restrictions imposed by existing TROs (consultations for current TROs will have been undertaken before their implementation)
 - c. where new TROs are required.

How can you take part?

28. Interested parties are invited to make comment in writing by either:
 - a. emailing traffic@bcpcouncil.gov.uk
 - b. posting a letter to Traffic Team, BCP Civic Centre, Bourne Avenue, Bournemouth, BH2 6DY.
29. In your response, please quote the reference **MTCE 2022**.
30. The consultation closes at **23:59 on 27 January 2023**.
31. Feedback may be published.

Appendix B – Details of the vehicle prohibition near Horseshoe Common

CABINET MEMBER DECISION RECORD

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:

Responsible Officer:

Chris Parkes, Team Leader – Traffic Management

Subject:

Road Safety Schemes November 2017 (referred to as P13, M5, T4 2017)

Local Transport Plan (LTP) Programme dealing with;

- Safer Routes to School
- Casualty Reduction Measures
- School Zones
- Active Travel Improvements

Further information on the LTP can be found at

<https://www.dorsetforyou.gov.uk/travel-dorset/roads-and-driving/road-information/road-and-transport-improvement-schemes/local-transport-plan-3>

This is the second batch of amendments to the Traffic Regulation Order (TRO) for the above schemes. The previous changes were dealt with as Road Safety Schemes September 2017 (referred to as P11, M4, T3 2017).

Decision taken:

To implement the TRO detailed in the attached Detailed Record of Decision.

Reasons for the decision:

To progress the implementation of the advertised restrictions to facilitate the advancement of the Highway Improvement Schemes which forms part of the strategy aiming to achieve the outcomes identified by the LTP Programme.

Call-in and Urgency:

This decision is subject to the councils call in procedure.

Background:

The restrictions listed in the Detailed Record of Decision have been identified by the collision analysis process (an annual analysis by the Road Safety Team of recorded collision / casualty data and the investigation of potential collision reduction measures)*, the LTP programme and have been requested by members of the public, councillors and council officers. They have all been the subject of a public consultation process.

*Further information on road safety in Bournemouth and the work the Road Safety Team are involved with can be found in the annual Road Safety Report

<https://www.bournemouth.gov.uk/travelandtransport/TransportDocs/road-safety-report-2017.pdf>

Options - and reasons for rejection:

Options are to either implement the TRO as advertised, amend it to make the changes less restrictive or not to implement the TRO at all and keep the restrictions as they currently are. Individual decisions and the reason for them are detailed in the attached Record of Decision.

Consultations undertaken:

The public consultation opened on Friday 24 November 2017 and closed on Friday 15 December 2017. Notices were placed in the Bournemouth Daily Echo and on the council's website.

Notifications were sent to all councillors and all statutory consultees including emergency services, disability groups, local public transport providers, national transport associations and various council departments.

The consultation was advertised in the Bournemouth Daily Echo, on the council's website, on TraffWeb (the council's online TRO website), and on street notices in the relevant locations.

This fulfils the statutory consultation process required by The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Finance/Resource Implications:

The costs associated with both the consultation and implementation of the traffic order will be covered by budgets allocated under the LTP programme.

The cost of the TRO process is confined to the advertisement costs which is approximately £2500.00. The implementation of the restrictions will be undertaken as part of the individual scheme works.

Name: ADAM RICHENS
Date: 21/3/18

Signature: (of Chief Finance Officer)

Legal implications:

It is felt that the objections, supporting comments and observations received to the making of the TRO have been properly considered and that there are therefore no grounds for challenge to the making of the TRO in this case.

Name: *Tanya Connel*
Date: 19.03.18

Signature: (of Monitoring Officer)

Risk assessment:

An initial risk assessment has been completed and the proposals have been classed as medium risk.

Name: *Chris Pearce*
Date: 21.3.18

Signature: (of Officer completing assessment)

Impact Assessments:

An Equality and Diversity Impact has been undertaken and is enclosed in the background papers.

Information for/not for publication:

This decision is to be published.

Background papers:

Detailed Record of Decision

Initial Risk assessment

EINA Screening Record

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No/Yes*			

* Delete as appropriate

Decision taken by:

Councillor MILK GREENE (Print name)

Cabinet Portfolio TRANSPORT, CLEANING + WASTE

Signed:



Date of decision:

12/4/18

Date of publication of record of decision:

Date decision effective:

DETAILED RECORD OF DECISION

ROAD SAFETY SCHEMES NOVEMBER 2017 (P13, M5, T4 2017)

No.	Road Name(s)	Restriction	Location	Ward	Response	Decision
1	Ascham Road	Revocation of no waiting at any time	From a point 4.4 metres north of the northern boundary of Nos.21/23 for 14 metres in a northerly direction.	Queens Park	No response received	Implement as advertised Reason: no objections received
2	Christchurch Road	No waiting at any time	Southern side from the extended eastern kerbline of Clarence Park Rd for 30 metres in an easterly direction.	Boscombe East	No response received	Implement as advertised Reason: no objections received
3	Cowper Road	Revocation of Street Parking Place for Cars & Motorcycles	Outside No. 19.	Moordown	No response received	Implement as advertised Reason: no objections received
4	Holloway Avenue	No waiting and No loading at any time	Both sides from its junction with Poole Lane for 10 metres.	Kinson North	No response received	Implement as advertised Reason: no objections received
5	Holdenhurst Road	Revocation of Limited Waiting 1 hour 10am-7pm return prohibited within 2 hours	Outside No. 282 Holdenhurst Rd.	East Cliff & Springbourne	No response received	Implement as advertised Reason: no objections received
6	McKinley Rd	Street Parking Place for Cars & Motorcycles only	Both sides for its entire length.	Westbourne & West Cliff	Objections – 2 received i. Unsure whether there is anywhere left to park within 10 mins. walk of Westbourne. Drives a VWT5 van and has been given a parking ticket, overturned on appeal as it was not being used as a camper van. Would like confirmation that small converted vans are exempt from the proposed restrictions. ii. Not required. Parking is fine as is. Not enough traffic wardens to monitor in any case.	Reponses to the Objections i. All of the restrictions in Bournemouth can be found on the map based website http://www.bournemouthtraffweb.co.uk A motor car is defined in the Traffic Regulation Order as:- <i>"motor car" has the same meaning as in regulation 136(2) of the 1984 Act, and for the purposes of enforcement and avoidance of doubt will be classed as a vehicle no larger than a small commercial vehicle with no more than 4 wheels and a length of 6 metres and a height of 2 metres</i>

					Supporting – 3 received i. Highlights concerns about Coaches, Minibuses and vans as operational bases when Queens Road car park would be a more suitable location for this purpose. Also, a motorhome was used to live in whilst parked on the road. Has no concerns regarding the large number of cars parked during the summer just the problems caused by the large vehicles. ii. Thinks the proposed designation should be extended to cover the adjacent section of West Overcliff Drive next to St Ambrose Church down to the junction with McKinley Road as after dark the parking of larger vehicles creates blind spots, intimidating to pedestrians using the footway. iii. McKinley Rd is one of a very few roads in the area without any form of parking control and this moved all the inappropriate parking of coaches, camper vans (often overnight) and other large vehicles into a wholly residential street.	ii. There has been a number of concerns raised from residents regarding a. anti-social behaviour from people living in motorhomes which are parked for long periods on the highway b. visibility issues caused by large vans parked in the road. All restrictions are enforced as resources allow. These resources can be targeted to certain areas, types of parking issues and are monitored regularly to ensure they are efficient and effective. Supporting comments are noted.
7	Poole Lane	No waiting and No loading at any time	North western side from the boundary of Nos. 155/157 Poole Lane to its junction with Holloway Avenue.	Kinson South	No response received	Implement as advertised Reason: no objections received
8	Tuckton Road	No waiting and No loading at any time	Southern side from the boundary of No. 184/Tesco for 10 metres in an easterly direction.	East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
9	Tuckton Road	Loading only bay.	Southern side 10 metres east of the boundary of No. 184/Tesco for 17 metres in an easterly direction.	East Southbourne & Tuckton	Objection – 1 received i. a. Changes to the existing parking restrictions are pointless as they are not enforced enough. Congestion and visibility	Reponses to the Objections i. a. The proposed changes to the waiting restrictions will address the problems with inconsiderate parking by relocating bays. The proposed road

					problems are caused by inconsiderate parking. b. Traffic calming will help at the roundabout but many still go too fast across these. c. Concerned about the narrow footpaths where the cycleways are proposed.	alignment will provide more carriageway width where large vehicles are parked. b. Agreed the traffic calming will help reduce traffic speed. c. The proposed cycleways will all, at least, meet the minimum widths recommended in guidance. The existing footways will be widened as required. The scheme will be safety audited. Upon full consideration of the reasons raised by the objections, it is felt they do not significantly outweigh the reason for implementation. Therefore, the restrictions will be implemented as advertised.
10	Tuckton Road	Revocation of loading only bay.	Southern side outside No. 184/Tesco.	East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
11	Tuckton Road	Waiting limited to 1 hour 10am-7pm return prohibited within 1 hour	Southern side from the boundary of Nos. 182/184 to the boundary of No. 184/Tesco (extend existing bay by 7 metres).	East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
12	Southbourne Road	No waiting at any time	From a point 92 metres west of the centerline of Belle Vue Close for 34 metres in an easterly direction.	West Southbourne	No response received	Implement as advertised Reason: no objections received
13	St Swithun's Rd South	Revocation of Street Parking place with waiting limited to 2 hours 10am-7pm No Return 1 hour	Outside No. 6 St Swithun's Rd South.	East Cliff & Springbourne	No response received	Implement as advertised Reason: no objections received
14	Wick Lane	Revocation of 5 metres of on-street parking bay.	Northern side, 19 metres from its junction with Tuckton Roundabout.	East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
15	Wimborne Road (Service Road Nos.	Street Parking place with waiting limited to	Northern side opposite Nos. 1244-1250.	Redhill and Northbourne	No response received	Implement as advertised Reason: no objections received

	1242-1254) Northbourne Roundabout	2 hours 10am-7pm No Return 2 hours				
16	Belle Vue Road	Notice to install a 75mm high flat top road hump	on the northern approach to Tuckton Roundabout	East Southbourne & Tuckton	Objections – 3 received i. Objects to removal of zebra crossing and installation of shared crossing. The number of accidents will increase. ii. Will prevent reversing out of their drive making their drive unusable. iii. Also, suggests to impose 20mph on bridge to reduce speed differentials, and prepare drivers for slow crossing, supported by visual speed indicator	Reponses to the Objections i. The proposed location for the new crossing is more in line with the pedestrian's desire line so they are more likely to use the crossing instead of crossing the road before reaching it. ii. The proposal has been slightly re aligned to alleviate the concerns raised both as part of this consultation and those raised at the HENRA meeting. iii. The suggestion for the 20mph limit can't be added as part of this consultation but will be considered for future schemes. Upon full consideration of the reasons raised by the objections, it is felt they do not significantly outweigh the reason for implementation. Therefore, the restrictions will be implemented as advertised.
17	Belle Vue Road		on the southern approach to Tuckton Roundabout	East Southbourne & Tuckton		
18	Tuckton Road		At its junction with Tuckton Roundabout	East Southbourne & Tuckton		
19	Belle Vue Road	Notice to Install Parallel Crossings	5 metres north of Tuckton Roundabout on its northern approach	East Southbourne & Tuckton		
20	Belle Vue Road		5 metres south of Tuckton Roundabout on its southern approach	East Southbourne & Tuckton		
21	Tuckton Road		5 metres west of its junction with Tuckton Roundabout	East Southbourne & Tuckton		
22	Wick Lane		5 metres east of its junction with Tuckton Roundabout	East Southbourne & Tuckton		
23	Belle Vue Road	Notice to Remove a Controlled Crossing	Northern approach to Tuckton Roundabout (outside Nos. 305/307).	East Southbourne & Tuckton		
24	Belle Vue Road	No right turn for all vehicles from Belle Vue Rd into Harvester Pub car park.		East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
25	Belle Vue Road	No right turn for all vehicles from the Harvester Pub car park into Belle Vue Rd.		East Southbourne & Tuckton	No response received	Implement as advertised Reason: no objections received
26	Percy Road	Right turn exception for cycles. Prohibited right turn for all vehicles except cycles from Percy Rd into Michelgrove Road.		Boscombe West	Objections – 2 received i. The banned turn for motor vehicles makes access to properties Michelgrove House, Barton Lodge, and San Remo Towers an extra 700 metres longer and additional 3 right turns. This increases likelihood of an accident and levels of pollution.	Objections i. The banned turn already exists for all vehicles (although it was temporarily suspended for a diversion). The proposal is to exempt cycles from this banned turn. By shorting the route for cyclists, it should make cycling more attractive. The proposal will have a safety audit before implementation.

				ii. The banned turn will increase the distance travelled and increase traffic on the side roads.	ii. See above Upon full consideration of the reasons raised by the objections, it is felt they do not significantly outweigh the reason for implementation. Therefore, the restrictions will be implemented as advertised.
27	Alumhurst Road	Right turn exception for cycles. Prohibited right turn for all vehicles except cycles from Alumhurst Rd into Seamoore Rd Road.	Westbourne & West Cliff	No response received	Implement as advertised Reason: no objections received
28	Old Christchurch Road, Dean Park Cres, Fir Vale Rd, Lorne Park Rd, Madeira Rd, St Peter's Rd, (Horseshoe Common)	Vehicle Prohibition 22:00-05:00. Change the start time of the existing vehicle prohibition/night-time closure from midnight to 10pm	Central	No response received	Implement as advertised Reason: no objections received

Cycle contraflow – to allow cycles to travel in both directions along the existing one way streets on the following sections of road. The obligatory direction will still apply to all other vehicles.

29	Cardigan Road	Obligatory Easterly Direction for all vehicles except cycles	From Wimborne Road to Waterloo Road	Winton East	Observations – 3 received i. Although understands the need for safety cyclists already ignore the No Entry sign (some motorists do too). Cyclists sharing the path with pedestrians may increase the danger slightly especially as it is downhill and often the elderly use the path. Stresses the importance not to change the other accesses/exits as the businesses and residents rely on these. Additionally, no parking restrictions please. ii. Parking in the area is bad especially around the Clock Garage. Request double yellow lines all along High Howe Lane.	Implement as advertised Reason: no objections received, only observations Observations i. By permitting cycling, and making it safer to do so, will raise the awareness of all users in the area to the presence of cyclists. Improved cycling facilities will encourage more people to cycle. No entrances are to be changed. Full access to all vehicles will be maintained and no new parking restrictions are proposed. ii. The proposal cannot be extended at this stage. However, the request for an additional restriction will be considered for future proposals. iii. It is not possible to add the request for additional contraflows at this stage.
30	Gladstone Road	Obligatory Westerly Direction for all vehicles except cycles	Between Ashley Road and Portman Road	Boscombe East		
31	Gladstone Road East	Obligatory Easterly Direction for all vehicles except cycles	Between Portman Road and Wolverton Road	Boscombe East		
32	Ringwood Road Service Road (near West Howe Roundabout)	Obligatory Southerly Direction for all vehicles except cycles	Between its junction with High Howe Lane/West Howe Roundabout and its junction with Ringwood Rd (outside No. 940 Ringwood Rd)	Kinson South		

					iii. Request cycle contraflow in Wolverton Rd and other one-way streets in the area.	However, the suggestion for other contraflows will be considered for future schemes.
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EINA Screening Record

Title of Policy/Service/Project	Road Safety Schemes November 2017 (referred to as P13, M5, T4 2017)
Date of screening	11/12/2013
Service Unit	Planning, Transport & Regulation
Lead Responsible Officer	Chris Parkes
Job Title	Team Leader - Traffic Management
Members of the Assessment Team	Chris Parkes, Jamie Griffiths

If the answers to the following questions are Yes or Don't know, then a full EINA will need to be carried out.

Is there likely to be a positive or negative impact in terms of equalities?	No
Does it involve a significant commitment of resources?	No

It is not necessary at the screening stage to identify adverse or differential impact

It is important to remember that even when it is decided that a policy/service/project does not require an EINA, it remains subject to the general duties. Not carrying out a full EINA places our council at greater risk of legal challenge because it cannot use the EINA process to meet our [Public Duties](#) around equality. It also means, more importantly, that opportunities may have been missed to promote equality.

If you have answered no to the questions above and do not intend to carry out an EINA, please explain why?

A full EINA and full consultation with focus groups and key organisations has been undertaken as part of the scheme feasibility and design process.

G2 Initial Risk Assessment



PROJECT NAME:

Road Safety Schemes November 2017 (referred to as P13, M5, T4 2017)

PROJECT NUMBER: *To be obtained from PMO*

PROJECT RISK LEVEL:

LOW *

Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)

CRITERIA				Score
1) Duration of Project	0-6 months ☒	7-12 months ☐	Above 1 year ☐	2
2) Effort	1-4 people (FTE) ☒	5-10 people (FTE) ☐	11+ people (FTE) ☐	1
3) Business Impact	Service Unit/Service ☐	More than 1 SU ☐	Council/External ☒	10
4) Priority	Desirable ☒	Highly Desirable ☐	Essential ☐	1
5) Costs &/or Savings	Up to £250k ☒	£251k-£500k ☐	Over £501k or if project is to be funded through prudential borrowing ☐	2
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint. ☒	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints ☐	High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running. ☐	1
				Risk Score 17

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

Table 1 - Risk Status	
Project Risk Rating	Points Total
Low	Between 10-18
Medium	Between 19-35
High	36+

**The Borough of Bournemouth
(Traffic Movement and Speed Limit Regulations)
Consolidation Order 2018**

The Council of the Borough of Bournemouth ("the Council"),

- In exercise of its powers under Sections 1(1), 2(1) to (4), 3(2), 84 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers,
- In accordance with Regulation 21 [special provisions for Consolidation Orders] of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, and
- After consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act,

Hereby makes the following order:-

PART A - INTERPRETATION

1 In this order

Any reference to an enactment shall be construed as a reference to that enactment as amended or any successive enactment

Any reference to an article, part or schedule refers to the corresponding article, part or schedule in this order unless stated and, except where the context otherwise requires a reference to a numbered or lettered paragraph or sub-paragraph, is a reference to the paragraph or sub-paragraph bearing that number or letter in the article, or (in the case of a sub-paragraph) paragraph in which the reference occurs.

The Interpretation Act 1978 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Except where the context otherwise requires the following expressions have these meanings assigned to them

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 2016 Regulations" means The Traffic Signs Regulations and General Directions 2016;

"the 2004 Act" means the Traffic Management Act 2004;

"authorised vehicle" means any vehicle or group of vehicles registered with and authorised by the Council as being exempt from the prohibition or restriction depicted in the relevant map tile;

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) and buses shall be construed accordingly;

"community bus" means a vehicle operating as a community bus under sections 19 and 22 of the Transport Act 1985;

"cycle" has the same meaning as "pedal cycle";

"dedicated cycle lane" means the area of carriageway on the side or sides of the road and the length or lengths of the road specified in the map schedule legend and/or map tile label in the map schedule to this order which is bounded by either kerbing or by traffic sign of type diagram 1049B in Schedule 9 to the 2016 Regulations on that carriageway;

"dedicated bus lane" means the area of carriageway on the side or sides of the road and the length or lengths of the road specified in the map schedule legend and/or map tile label in the map schedule to this order which is bounded by either kerbing or by a traffic sign of type diagram 1049A in Schedule 9 to the 2016 Regulations on that carriageway;

"the Council" means Bournemouth Borough Council as highway authority;

“lay-by” means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 11 to the 2016 Regulations and partly by a footway, verge or outer edge of the carriageway;

“local bus” a public service vehicle used for the provision of a local service not being an excursion or tour;

“main carriageway” means any carriageway used primarily by through traffic and includes any carriageway of a slip road but excludes any lay-by;

“map schedule” means a collection of map tiles attached to this order and listed in Schedule 2 to this order, which depicts the moving traffic restrictions designated by this order, and in conjunction with the map schedule legend and/or map tile label, identifies the type of each prohibition or restriction and, if appropriate, certain of its governing provisions:

Provided that the Council does not accept responsibility for inaccuracies contained in the Ordnance Survey data relied upon to create the map based schedule, and where a prohibition or restriction is depicted on the map based schedule, that prohibition or restriction will continue to apply irrespective of any subsequent changes that have been made to the underlying Ordnance Survey data;

“map schedule legend” means the map schedule legend attached to this order which, when used in conjunction with a map tile as listed in Schedule 2 to this order, identifies the specific type of parking places or parking areas designated by this order and, where appropriate, certain of their governing provisions;

“map tile” means an individual map with a specific tile reference, being part of the map based schedule attached to this order as listed in Schedule 2 to this order;

“map tile label” where shown on a map tile forming part of the map schedule to this order in relation to a prohibition or restriction, means a label or symbol which indicates the type of prohibition or restriction and, if appropriate, certain of its governing provisions;

“map tile symbol” where shown on a map tile forming part of the map schedule to this order in relation to a prohibition or restriction, means a symbol which specifies the type of prohibition or restriction and, if appropriate, certain of its governing provisions. The symbol shown on a map tile specifies the prohibition or restriction associated with that symbol as described in the 2016 Regulations and the map schedule legend;

“motor car” has the same meaning as in section 136(2) of the 1984 Act, and for the purposes of enforcement and avoidance of doubt will be classed as a vehicle no larger than a small commercial vehicle with no more than 4 wheels and a length of 6 metres and a height of 2 metres

“pedal cycle” has the meaning assigned to it by section 136 of the 1984 Act;

“public service” vehicle has the same meaning as in the Public Passenger Vehicles Act 1981;

“road” is as described in section 142 of the 1984 Act, any length of highway or of any other road to which the public has access (including any length of footway, verge or grass verge comprising the road) and includes bridges over which a road passes;

“restricted road” means any of the roads, lengths of road, sides of road or parking places where any prohibition, restriction or parking place is indicated as being present and is identified as such in the map tile relating to that prohibition, restriction or parking place by the map schedule legend and/or map tile label in the map schedule attached to this order;

“school entrance marking” means an area of carriageway identified as such in the map tile relating to that school entrance marking by the map schedule legend and/or map tile label in the map schedule attached to this order and which is contained within the road marking prescribed in diagram 1027.1 in Schedule 7 of the 2016 Regulations and indicated by the sign prescribed in Schedule 4 of the 2016 Regulations;

“traffic sign” or **“sign”** means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under section 64 of the 1984 Act and in compliance with the 2016 Regulations;

“vehicles”, **“motor car”**, **“motor vehicle”** and **“trailer”** are as described in section 185 of the Road Traffic Act 1988; and in the case of a motor car as defined in this order. “vehicle” includes “pedal cycle”, “motor vehicle” does not include “pedal cycle”.

GENERAL

- 2 A person who contravenes any provision of this order, or who uses a vehicle, or permits a vehicle to be used in contravention of this order, shall be guilty of an offence and a penalty charge may be payable as a result of any contravention. Payment of the penalty charge shall be as set out on the penalty charge notice.
- 3 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this order, the orders specified in Schedule 1 and any amendments to the orders in so far as they are consolidated by this order are hereby revoked.

PART B - REPRODUCTION OF PROVISIONS OF ORDERS

- 4 **One-way streets.** Save as provided by part C of this order no person shall cause or permit any vehicle to proceed in any of the lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule, in a direction other than that specified (in relation to that length of road).
- 5 **Prohibition of right turns.** Save as provided by part C of this order no person shall cause or permit any vehicle proceeding in any of the roads identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule to make a right-hand turn into the road or roads indicated in the map schedule, as the case may be.
- 6 **Prohibition of left turns.** Save as provided by part C of this order no person shall cause or permit any vehicle proceeding in any of the roads identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule, to make a left-hand turn into the road or roads indicated in the map schedule, as the case may be.
- 7 **Prohibition of "u" turns.** Save as provided by part C of this order no person shall cause or permit any vehicle proceeding in any of the roads identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule to make a U-turn in the length of the road indicated in the map schedule so as to proceed in the opposite direction.
- 8 **Obligatory left turns.** Save as provided by part C of this order every person causing or permitting a vehicle to proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule shall make an obligatory left turn into the road indicated in the map schedule on reaching that road.
- 9 **Obligatory right turns.** Save as provided by part C of this order every person causing or permitting a vehicle to proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule shall make an obligatory right turn into the road indicated in the map schedule on reaching that road.
- 10 **Prohibition of entry.** Save as provided by part C of this order no person shall cause or permit any vehicle proceeding in any of the roads identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule to enter the road indicated in the map schedule.
- 11 **Prohibition off all vehicles/traffic.** Save as provided by part C of this order no person shall cause or permit any vehicle to enter or proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule.
- 12 **Prohibition of vehicles except for access.** Save as provided by part C of this order no person shall cause or permit any vehicle to enter or proceed in the section of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule at the time(s) specified except for those vehicles gaining access to private off street parking or authorised vehicles.
- 13 **Prohibition of motor vehicles.** Save as provided by part C of this order no person shall cause or permit any motor vehicle to enter or proceed in any of the section of road identified in the map

schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule.

- 14 Prohibition of motor vehicles except for access.** Save as provided by part C of this order no person shall cause or permit any motor vehicle to enter or proceed in any of the lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule.
- 15 Dedicated bus lanes.** Save as provided by part C of this order no person shall cause or permit any motor vehicle other than a bus or a taxi to proceed in that part of the length of the road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule during the times specified.
- 16 Prohibition of pedal cycles.** Save as provided by part C of this order no person shall cause or permit any pedal cycle to enter or proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule except for access.
- 17 Dedicated cycle lanes.** Save as provided by part C of this order no person shall cause or permit any vehicle other than a pedal cycle at any time to enter, wait in or proceed in that part of the length of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule.
- 18 Prohibition of pedestrians.** Save as provided by part C of this order no person shall cause or permit any pedestrian to enter or proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule except for access.
- 19 Weight limits – environmental.** Save as provided by part C of this order no person shall cause or permit any vehicle to proceed in the length or lengths of the road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule, during the hours specified, if the maximum gross weight (mgw) of the vehicle exceeds the stated maximum gross weight in the map schedule.
- 20 Weight limits – structural.** Save as provided by part C of this order no person shall cause or permit any vehicle to proceed in the length or lengths of road or over the structures identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule if the maximum gross weight (mgw) of the vehicle exceeds the stated maximum gross weight in the map schedule for which the structure has been assessed.
- 21 Height limits.** Save as provided by part C of this order no person shall cause or permit any vehicle to proceed in the length or lengths of road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule if the maximum overall height of the vehicle exceeds the stated maximum in the map schedule.
- 22 Width limits.** Save as provided by part C of this order no person shall cause or permit any vehicle to proceed in the length or lengths of the road identified in the map schedule to which they relate with reference to the map schedule legend and/or map tile label in the map schedule if the maximum overall width of the vehicle exceeds the stated maximum in the map schedule.

PART C - EXEMPTIONS

- 23** Nothing in part B (articles 4-18 only) of this order, shall apply to anything done upon the direction or with the permission of a police constable in uniform. For clarity this exemption does not apply to articles 19 to 22 of part B of this order.
- 24** Nothing in articles 15 or 17 of part B of this order shall render it unlawful for a person to cause or permit any vehicle to enter, wait in or proceed in a dedicated bus lane or dedicated cycle lane for so long as may be necessary to enable the vehicle to:-
- (i) load or unload,
 - (ii) be used for the removal of any obstruction to traffic,
 - (iii) be used for police, fire and rescue or ambulance purposes,
 - (iv) be used in the service of any local authority or with the permission of any such authority in pursuance of statutory powers or duties; providing that whilst being so used it is necessary for the vehicle to use the dedicated cycle lane or dedicated bus lane,
 - (v) avoid an accident,
 - (vi) gain entrance to off street loading facilities, garaging, vehicle access or lay-bys.
- 25** Nothing in articles 11 to 14 of part B of this order shall apply to the driving of any mechanical road cleansing vehicle or gully emptying machine.
- 26** Nothing in article 19 of part B of this order shall make it an offence if the vehicle is being used:-
- (i) to deliver or collect goods from premises fronting the given length(s) of road,
 - (ii) used for the police, fire and rescue or ambulance purposes,
 - (iii) in connection with;
 - (a) any building operation or demolition in or adjacent to the length(s) of road,
 - (b) the removal of any obstruction to traffic in the length(s) of road.
 - (c) the maintenance, improvement or reconstruction of that length of road,
 - (d) the laying, erection, alteration or repair in or adjacent to the length(s) of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication systems defined in the Telecommunications Act 1984.
- 27** Nothing in articles 20 to 22 of part B of this order shall make it unlawful for the Council, after proper structural assessment, to authorise the exceptional movement of a specified vehicle.
- 28** Nothing in articles 12, and 15 of part B of this order shall apply to vehicles authorised by the Council.
- 29** Nothing in articles 5, 6, 8 and 9 of part B of this order shall apply to types or classes of vehicles indicated by the map tile label.

PART D - OTHER ORDERS

- 30** This consolidation order is made without prejudice to other orders for similar provisions, which remain in full force and effect.
- 31** Any variation order to The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) (Consolidation) Order 2017 not consolidated into The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order 2018, will remain in full force and effect as though it were a variation to this order.

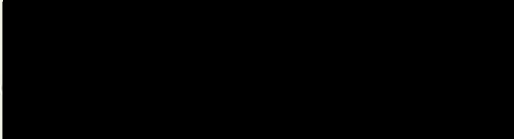
**The Borough of Bournemouth
(Traffic Movement and Speed Limit Regulations)
Consolidation Order 2018**

This order shall come into operation on 13 July 2018 and may be cited as The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order 2018

Executed as a Deed by the affixing of the Common Seal

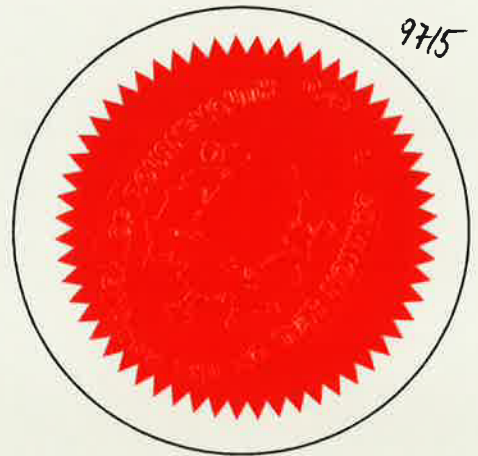
On 12 July 2018

In the presence of

Signature 

Full Name SIÂN BOWLING

Position DEPUTY MONITORING OFFICER.



SCHEDULE 1 – Orders to be revoked and re-enacted within this order

Traffic Movement and Speed Limit Regulations

1. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) (Consolidation) Order 2017
2. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) (Consolidation) Order 2017 (Variation) (No. 1) (No. 2) (No. 3) Orders 2017
3. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) (Consolidation) Order 2017 (Variation) (No. 1) Orders 2018
4. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) (Consolidation) Order 2017 (Speed Limit Variation No. 1) Order 2018

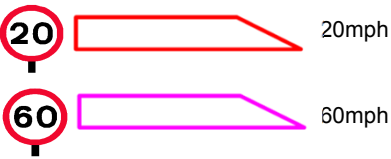
SCHEDULE 2 – (see Article 1 – definition of “map schedule” comprises the map schedule legend and the map tiles listed in this Schedule)

F6	0	N7	0	S18	0	W19	0
G5	0	N9	0	S20	0	W20	0
G6	0	N10	0	S21	0	W22	0
G7	0	N11	0	T11	0	W24	0
H5	0	N12	0	T12	0	X7	0
H7	0	N14	0	T13	0	X8	0
I4	0	N15	0	T14	0	X9	0
I5	0	N16	0	T15	0	X10	0
I7	0	N17	0	T16	0	X11	0
I10	0	N18	0	T17	0	X12	0
J4	0	N19	0	T18	0	X13	0
J5	0	O6	0	T19	0	X14	0
J8	0	O7	0	T20	0	X15	0
J9	0	O9	0	T21	0	X16	0
J10	0	O12	0	U10	0	X17	0
J11	0	O13	0	U11	0	X18	0
J12	0	O14	0	U12	0	X19	0
J13	0	O15	0	U13	0	X20	0
J14	0	O17	0	U14	0	X22	0
J15	0	O18	0	U15	0	X24	0
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K12	0	P18	0	U21	0	Y12	0
K13	0	P19	0	U23	0	Y13	0
K14	0	Q9	0	V11	0	Y14	0
K15	0	Q10	0	V12	0	Y15	0
K16	0	Q11	0	V13	0	Y20	0
L4	0	Q12	0	V14	0	Y22	0
L9	0	Q14	0	V15	0	Y24	0
L10	0	Q16	0	V16	0	Z7	0
L11	0	Q17	0	V17	0	Z8	0
L13	0	Q18	0	V18	0	Z9	0
L14	0	Q19	0	V19	0	Z10	0
L16	0	R9	0	V22	0	Z11	0
L17	0	R10	0	V23	0	Z12	0
L18	0	R11	0	V24	0	Z13	0
L19	0	R12	0	W7	0	Z14	0
M3	0	R13	0	W8	0	AA8	0
M4	0	R14	0	W9	0	AA9	0
M9	0	R16	0	W11	0	AA1	0
M10	0	R20	0	W12	0	AA1	0
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M12	0	S13	0	W14	0	AB9	0
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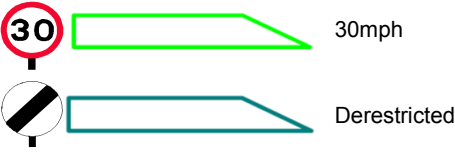
Movement Map Schedule Legend

TRO Restriction Types

Speed Limits



20mph



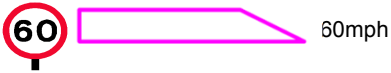
30mph



40mph



50mph

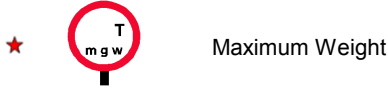


60mph

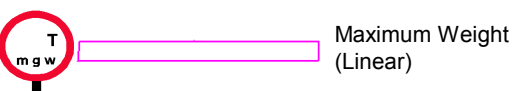


Derestricted

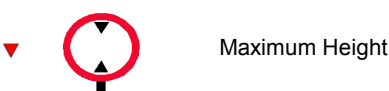
Structural and Environmental



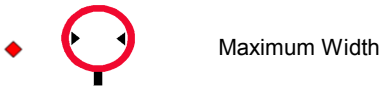
Maximum Weight



Maximum Weight (Linear)



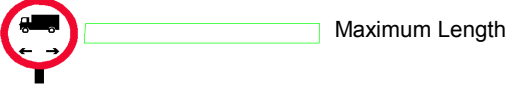
Maximum Height



Maximum Width

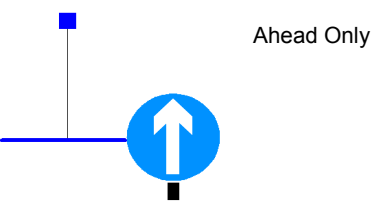


Maximum Width (Linear)

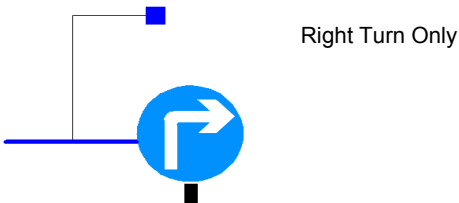


Maximum Length

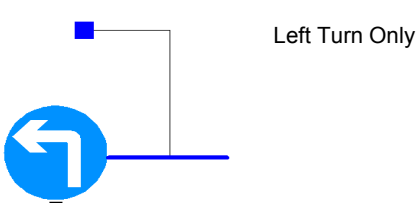
Prescribed Turns



Ahead Only

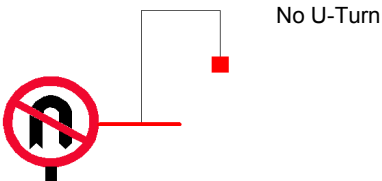


Right Turn Only

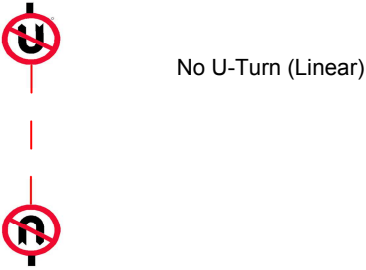


Left Turn Only

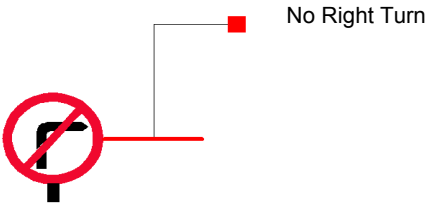
Banned Turns



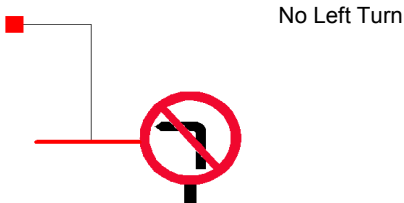
No U-Turn



No U-Turn (Linear)



No Right Turn

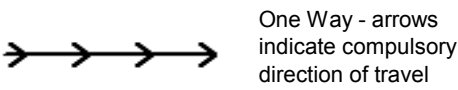


No Left Turn

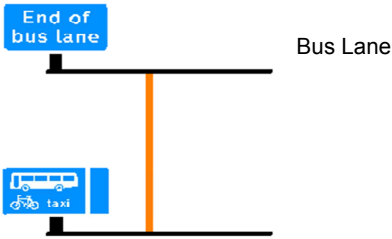
Other Types



Prohibited Access



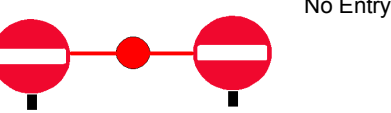
One Way - arrows indicate compulsory direction of travel



Bus Lane



Cycle Lane



No Entry



Pedestrian Zone

Notes

Sign plate symbols are not to scale.
Sign plate symbols may vary from those indicated in this legend, or be omitted.
Restriction types may have labels and/or sign plates on the map schedule to indicate restriction description.
Labels with suffix (e) indicates Experimental Order item.



ORDER TITLE:
THE BOROUGH OF BOURNEMOUTH (TRAFFIC MOVEMENT AND SPEED LIMIT REGULATIONS) CONSOLIDATION ORDER 2018

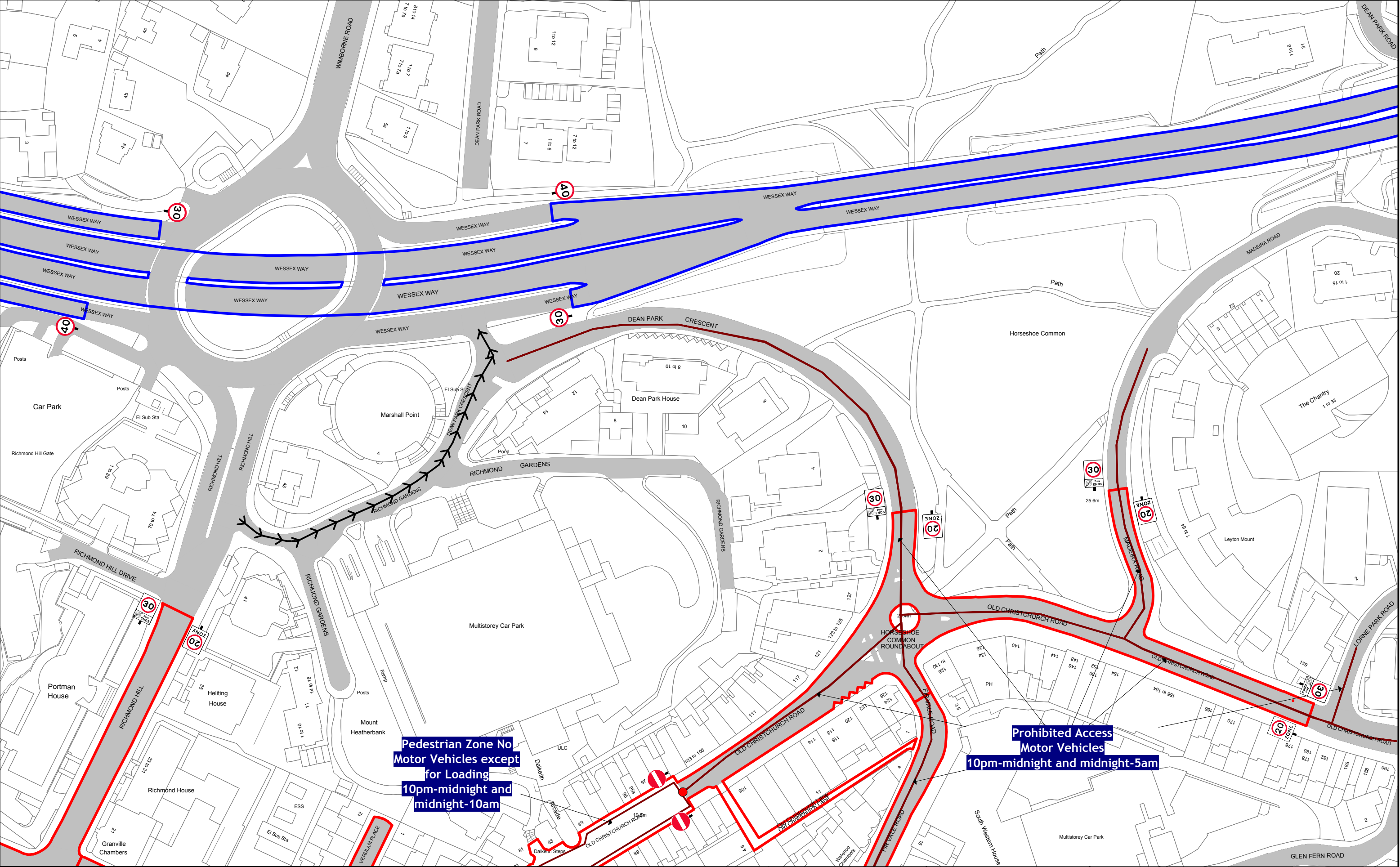


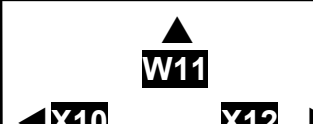
Order Title:
THE BOROUGH OF BOURNEMOUTH (TRAFFIC MOVEMENT AND SPEED LIMIT REGULATIONS)
CONSOLIDATION ORDER 2018

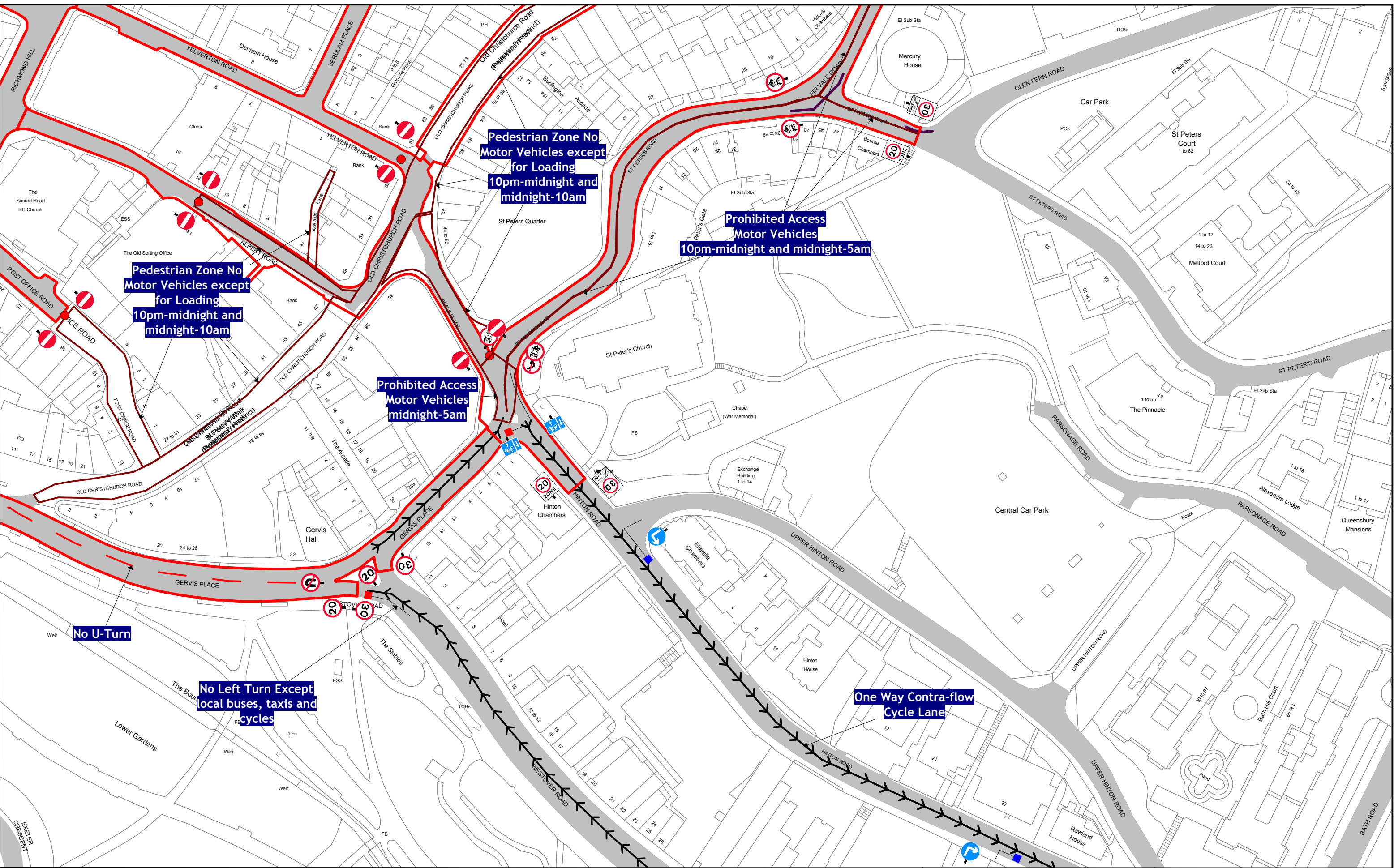


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SCALE	NOT TO SCALE
DATE	13/07/2018
MAP	Tile Layout
REVISION	0



	Order Title:		 This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office c Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019829, 2017. Bournemouth Borough Council Licence No. LA0077232.	SCALE	1 : 1250 @ A3
	THE BOROUGH OF BOURNEMOUTH (TRAFFIC MOVEMENT AND SPEED LIMIT REGULATIONS) CONSOLIDATION ORDER 2018			DATE	13/07/2018
	CONFIRMED			MAP	Tile Ref: X11
	NOTE: SEE MOVEMENT MAP SCHEDULE LEGEND FOR RESTRICTIONS DISPLAYED			REVISION	0



	Order Title:		 This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019829, 2017. Bournemouth Borough Council Licence No. LA0077232.	SCALE	1 : 1250 @ A3
	THE BOROUGH OF BOURNEMOUTH (TRAFFIC MOVEMENT AND SPEED LIMIT REGULATIONS) CONSOLIDATION ORDER 2018			DATE	13/07/2018
	CONFIRMED			MAP	Tile Ref: Y11
	NOTE: SEE MOVEMENT MAP SCHEDULE LEGEND FOR RESTRICTIONS DISPLAYED			REVISION	0

**Bournemouth, Christchurch and Poole Council
(Traffic Movement and Speed Limit Regulations)
(Variation No. 3) Order 2021**

Bournemouth, Christchurch and Poole Council ("the Council") makes the following order under sections 1, 2, 4, 84 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended and all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act.

Part 1

1. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order 2018 is hereby varied by;
 - a) The deletion from Schedule 2 thereto of the items contained in Part 2 to this Order;
 - b) The addition to Schedule 2 thereto of the items contained in Part 3 to this Order.
2. The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order 2018 as varied on divers dates and save as expressly varied as aforesaid shall continue in full force and effect.
3. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. This Order shall come into operation on the 28 February 2022 and may be cited as: Bournemouth, Christchurch and Poole Council (Traffic Movement and Speed Limit Regulations) (Variation No. 3) Order 2021.

Executed as a Deed by the affixing of the Common Seal

On 22 FEBRUARY 2022

In the presence of

Signature [REDACTED]

Full Name SUSAN JOAN ZEISS

Position MONITORING OFFICER



Part 2 - (Item to be deleted)

The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order
2018

SCHEDULE 2

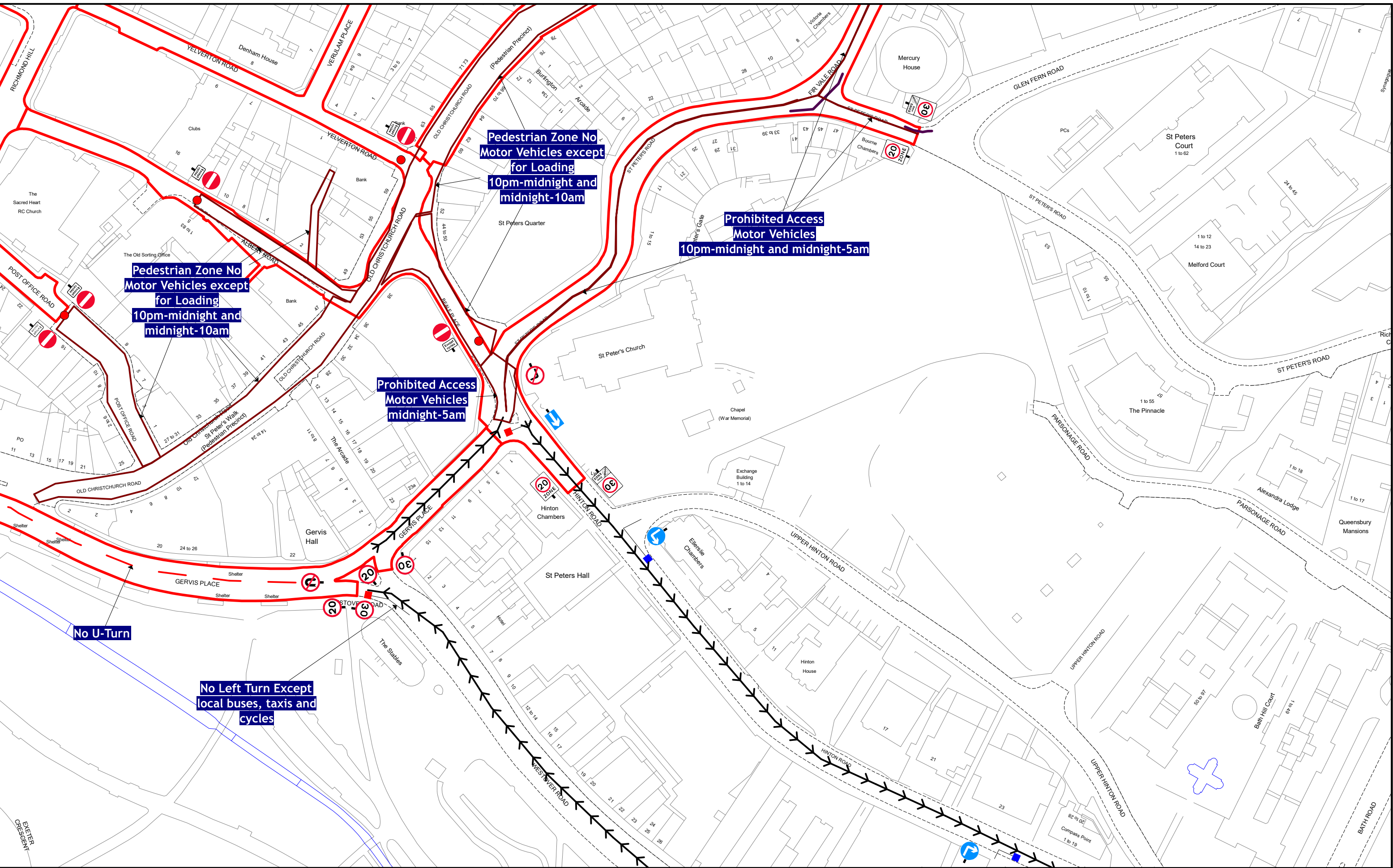
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P18	0
P19	0
Q19	0
R10	0
T11	0
U11	0
U12	0
V12	0
Y10	2
Y11	0
Y24	0
Z11	0

Part 3 - (Item to be inserted)

The Borough of Bournemouth (Traffic Movement and Speed Limit Regulations) Consolidation Order
2018

SCHEDULE 2

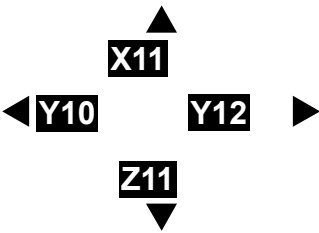
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J6	0
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O17	1
P18	1
P19	1
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T11	1
U11	1
U12	1
V12	1
Y10	3
Y11	1
Y24	1
Y25	0
Y26	0
Z11	1



Order Title:
THE BOROUGH OF BOURNEMOUTH (TRAFFIC MOVEMENT AND SPEED LIMIT REGULATIONS) CONSOLIDATION ORDER 2018

CONFIRMED

NOTE: SEE MOVEMENT MAP SCHEDULE LEGEND FOR RESTRICTIONS DISPLAYED



N

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Bournemouth, Christchurch and Poole Council
Licence No. LA0077232 2021.

SCALE	1 : 1250	@ A3
DATE	28/02/2022	
MAP	Tile Ref: Y11	
REVISION	1	

Appendix C – Representation received

REPRESENTATION RECEIVED				ANALYSIS		
Reference	Date	Name	Message	Viewpoint	Respondent type	Themes raised
MTCE 2022-0001	16/12/2022	Philippa Clark	I am in full support of this. Pavement parking, cycle lane parking and generally just poor/inconsiderate parking is becoming more and more prevalent, due largely to people being seen to be getting away with it; so others join them.	Support	Resident outside the area covered by the TRO near Horseshoe Common	Will encourage compliance; Illegal and inconsiderate parking is widespread
MTCE 2022-0002	17/12/2022	Angus, El Murrino Wood Fired Italian Kitchen	We have this morning received your letter regarding the proposed implementation of cameras in the horseshoe common area. We understand the reasoning for this and support it; however due to our significant delivery operations both for customers and to our other restaurants/satellite venues we would require exemptions for vans, cars but primarily motorbikes in order to continue business operations as we currently do. Our kitchen is open until 2230 Monday - Thursday, 2300 Friday & Saturday and 2200 on Sunday with customer food deliveries running to these same times. Throughout the year also we have other venues open such as a stand at the Christmas Market in the square and a beachside kitchen in the summer, often for which supplies have to be sent after 10pm as their ability to store fresh ingredients is much less. Would the solution to this be having a set list of number plates exempt from the ANPR cameras that could pass through after 10pm...? Furthermore, delivery driving is quite a high turn over role and therefore we have at least 1 new driver a month as well as new company vehicles/vans and would need these added to exemption within a day or so - if that would be possible, but I understand if a longer time frame may be required... We believe other businesses on Old Christchurch Road/surrounding areas will all generally have a similar response to this. This proposition should keep nightlife safer however we believe our safe & cautious drivers take this into account fully already being very careful in the area. We look forward to hearing back from you and finding a solution best/fair for all parties.	Comment	Business inside the area covered by the TRO near Horseshoe Common	Exemptions required for delivery vehicles including those associated with take-away food; Would improve safety for the night time economy
MTCE 2022-0003	18/12/2022	Mark Elkins	Over the proposals to potentially role out further enforcement against moving vehicles across the whole of the BCP Council area then it should be borne in mind that pulling over into places such as bike and bus lanes to let emergency services vehicles pass may well end up in a fine under such proposals as happens elsewhere in the UK. Obviously such a situation causes deep resentment therefore you might like to consider opting out of that course of action.	Comment	Resident outside the area covered by the TRO near Horseshoe Common	Leniency should be applied in cases when drivers contravene a moving TRO when giving way to an emergency vehicle; Could create driver resentment
MTCE 2022-0004	18/12/2022	Councillor Vikki Slade	can you confirm whether the moving order powers you are referencing for the whole of BCP include the enforcement of yellow boxes? If so, can you also confirm whether specific sites need to be requested or whether that will be subject to local decision making? I would like to repeat my regular request that we have enformcent of the yellow box in Broadstone, even on an occasional basis. It really blights the roundabout congestion especially at school rush hours and on Saturday mornings and just a couple of occaisons if it being enforced will spread around the local residents who use it.	Comment	BCP councillor / officer	Decision making criteria for site selection needs to be clarified; Yellow box markings on Macaulay Road at the junction with Lower Blandford Road in Broadstone; Will help improve traffic flow
MTCE 2022-0005	19/12/2022	Simon Grimston, Chair, West Hill Residents Association	Any move to enforcement against disrespectful motorists is a positive. In West hill, West Cliff we suffer much as the rest of Old Christchurch Road Particularly worrisome at school drop off and collection times. With the lack of traffic calming measures on West Hill Road and surrounding roads. This new scheme would be welcome	Support	Community / resident association	Will encourage compliance; West Hill Road in West Cliff Bournemouth; Traffic issues associated with school arrival and departure times
MTCE 2022-0006	19/12/2022	Susan Stockwell	Absolutely delighted to support your application for a moving traffic enforcement order or Horseshoe Common and many more of them! Any cameras in this area will be worth every penny not just for protecting vulnerable road users such as pedestrians and cyclists, but also making the roads safer for motorists by improving visibility. The shenanigins on and around Horseshoe Common receive much coverage in the press and I'm sure this is only the tip of the iceberg. A drunk man joyriding the safe bus just about put the tin lid on it. The proximity of the three strip clubs, all at the far end of what is legally licenceable, statistically make not just violent crime but sexual assault rates likely to be higher, which they are, very much so, in the electoral ward. Protecting cyclists and pedestrians by making it safer for them, has been shown in the London LTN studies to result in a drop in street crime, something very much needed here. The implications of getting an order for moving traffic enforcement here are huge for the	Support	Resident outside the area covered by the TRO near Horseshoe Common	Would improve safety for the night time economy; Would improve safety for all road users; Scheme would be cost neutral for taxpayers; Keyhole Bridge on Whitecliff Road in Poole; More width restrictions needed to discourage HGVs

REPRESENTATION RECEIVED				ANALYSIS		
Reference	Date	Name	Message	Viewpoint	Respondent type	Themes raised
			whole of BCP as they are quoted by Mums for Lungs as paying for themselves for School Streets within a few months, and could bring us more width restriction orders to discourage HGVs without a permit and of course, enforcement of the Keyhole Bridge at Whitecliff Road width restriction order.			
MTCE 2022-0007	22/12/2022	Tracy Ann Smith	I would like to confirm that I am in full support of your proposal. Luckily i only use the roads early evening and cannot believe something major hasn't happened never mind during the evening and early hours.	Support	Resident outside the area covered by the TRO near Horseshoe Common	Would improve safety for the night time economy
MTCE 2022-0008	23/12/2022	Snappy G	I object to the proposals outlined in MTCE 2022. This is a misguided money making scheme that the council will regret when the costs of running, maintaining and replacing the equipment and paying the associated annual service and monitoring charges outweighs the money gained by tricking newcomers to the area into falling foul of this ill thought through policy. The council should make these areas permanently pedestrian or permanently open, the timing element seems designed to catch people out and raise money through fines.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Revenue raised from PCNs; Capital and revenue costs could outweigh income generated from PCNs; Disadvantages those who are not familiar with the area; Pedestrianisation would be a better option
MTCE 2022-0009	23/12/2022	Ed p160brm	The Existing Signage is inadequate These zones are poorly identified and a number of the signs are covered by foliage and partially obstructed by other road signs and street furniture/clutter. When the drivers view is supposed to be on safely navigating the roads and looking out for pedestrians, cyclists and other hazards the poorly illuminated restrictions are inadequate. This is exacerbated by a background of illuminated signs from nearby business premises.In addition, pictures on google earth show the restriction times as "midnight to 5 am". BCP must get these updated before fining anyone as anyone checking their route before traveling will be mis-informed. I am aware this is Google's responsibility but BCP inaction would be cynical and perhaps deliberate ?	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Existing signage is obscured by street furniture and / or foliage; Existing signage is poorly illuminated; Google Maps Street View is out of date, showing that the restrictions apply midnight-5am
MTCE 2022-0010	23/12/2022	Tony Gibney	I am against this creeping policy of punishing the public and motorists in particular. The people behind this are zealots who will not stop until the whole country is ground to a halt. It's no wonder people disobey this nonsense. The net zero agenda is being brought in without the agreement of the tax paying public and anyone enforcing it is morally reprehensible and a coward, there is no need for banning cars at any time or place the vast majority as they were taught drive safely and the tiny minority who do not can be dealt with by the police if they want to go out and do something useful.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Could create driver resentment; Another anti-car measure designed to penalise drivers; Net zero agenda is being imposed on the public without a democratic mandate; Restrictions which prohibit motor vehicles are not justified
MTCE 2022-0011	23/12/2022	Christine Pamphilon	In the future can you please consider extending this to Post Office Road, in the no entry section of our road where I live. Car's drive & park there at all times of the day & night, we have enough noise from the two new bars that have opened this year. So, if cars did not go into this no entry area at night would be very helpful indeed.	Comment	Resident outside the area covered by the TRO near Horseshoe Common	Post Office Road, Bournemouth - vehicles routinely disobey the No Entry restriction
MTCE 2022-0012	23/12/2022	Liam Clay	As a resident within the current TRO zone (BH1 2LW) I fully and wholeheartedly support the proposed move towards active enforcement. Drivers I have witnessed ignoring the current restrictions are also drivers who drive dangerously, are potentially under the influence, and often in illegally modified cars in an attempt to impress / scare pedestrians. I disagree with the proposal for six months of warning notices as the current zone is very obviously restricted, as it has been for decades. The chance of an accidental breach is near zero, and given the dangers involved, I do not think any leniency is deserved. The town centre would also benefit from noise cameras similar to those being trialed across the UK to catch commonplace antisocial and illegal behaviour from drivers - especially as it moves to be an increasingly residential area. In general, automated enforcement of TROs using ANPR cameras is a positive move that I fully support, as long as signage is clear and obvious to all road users. It will serve to increase safety and reduce dangerous behaviour wherever in the BCP area it is implemented.	Support	Resident inside the area covered by the TRO near Horseshoe Common	Existing restrictions are regularly flouted; Would improve safety for the night time economy; Issuing warning notices during the first 6 months post implementation is excessively lenient; Noise-detecting traffic cameras should be installed in Bournemouth town centre to tackle excessive vehicle revving and / or illegal exhausts; Signage should be clear and obvious; Would improve safety for all road users

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MTCE 2022-0013	23/12/2022	godeliver	I'm a Deliveroo / Uber Eats driver. How will I pick up customers' orders from Old Christchurch road restaurant, this is also an important business for local area ?	Comment	Business inside the area covered by the TRO near Horseshoe Common	Exemptions required for delivery vehicles including those associated with take-away food
MTCE 2022-0014	23/12/2022	Gavin Mar	The TROs currently in place should be scrapped, this is an obscene waste of time and money.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Should be scrapped; Waste of time and money; Council should focus on other more pressing matters
MTCE 2022-0015	24/12/2022	Kieran Lee Johnson	What if we have parking within this zone and also live within this zone and need to access the parking after the 10pm due to working late shifts? It seems on the document provided there is no mention of anything related to this, you can't expect to enforce a PCN on the people who need to access parking for their homes every time they get home from a late shift.	Comment	Resident inside the area covered by the TRO near Horseshoe Common	Exemptions needed for residents and / or those with parking permits
MTCE 2022-0016	28/12/2022	Mrs Ali Mason	Please can you tell me how the proposals regarding traffic bans between 10pm and 5am will affect residents wanting to park outside of their properties overnight in the restricted areas? My husband and I are residents of 117 Old Christchurch Road and have lived at this address for about 40 years. We are pensioners and do not feel safe at the prospect of having to park our vehicle in Dean Park Road or Cavendish Road to walk through Horseshoe Common in the dark. Please can you advise as to how you will consider the safety of residents?	Comment	Resident inside the area covered by the TRO near Horseshoe Common	Exemptions needed for residents and / or those with parking permits
MTCE 2022-0017	29/12/2022	John Palmer	The proposals are reasonable provided: 1. There are signs that warn of the restrictions before you get there. This is because it is important to avoid large numbers of cars doing three-point turns at the boundary, leading to an increase in avoidable accidents. 2. The appeal system must be fit for purpose. It must be possible to appeal and submit evidence without appearing in person using ones preferred mode of communication, be that council web portal, phone, or letter. This is important due to the time poverty of some. 3. Modal filters (e.g. no cars) rather than complete restrictions on moving vehicles are almost always preferable. This is because modes of transport such as bike or scooter are greener, and represent present less risks to others.	Comment	Resident outside the area covered by the TRO near Horseshoe Common	Signage should be clear and obvious; Increase in U-turns at the entrances to the zone; Appeals process should not require one to appear in person and accept representation either online, on the phone, or by post ; Physical modal filter may be better; Exemptions should be given for bicycles, scooters and other non-motorised wheeled modes
MTCE 2022-0018	02/01/2023	Mark Sanders	Traffic control should be about safety and equality for all and NOT a political 'football'. The size and dominance of vehicles at the expense of everything else is a huge and growing issue. My comments: a. the council's proposals for enforcing the prohibition of motor vehicles TRO near Horseshoe Common: Agree - this is needed b. the council's proposals for enforcing other TROs in the BCP area: Automatic Number Plate Recognition (ANPR) cameras are expensive and I trust revenue would more than cover costs. Either way If this stop vehicle violations - good / agreed. Also in wider BCP there are several other places that need similar restrictions or closures - specifically Keyhole bridge - allowing Rat run through Poole park. with 60% public wanting it closed to traffic yet voted against. This has a 2m (inc. Mirror) restriction BUT not enforced. c. communication of enforcement: Signs at site and roads leading to site. Leaflet drop to local residents. Update Google and Satnavs to show closed/restricted road. d. methods of enforcement: Fines. Points on licence. PR - Name & shame (or simply close it). Policing by officers or PCO's. Bollards with gap under 2m (or less) e. alternative ideas and suggestions. why not simply close the road space ? Install physical width restrictions (to stop all vehicles except small / narrow, walkers and bikes (with speed restrictions eg bumps etc) . Noted: that as per DfT statutory guidance, this consultation is not about: a. whether people agree with the principle of moving traffic enforcement b. restrictions imposed by existing TROs (consultations for current TROs will have been undertaken before their implementation) c. where new TROs are required. (conflicts with question b above)	Support	Resident outside the area covered by the TRO near Horseshoe Common	Motorised vehicles have become too big; Will help reduce traffic dominance; Scheme would be cost neutral for taxpayers; Keyhole Bridge on Whitecliff Road in Poole; Signage should be clear and obvious; Leaflet drop to affected premises; Update web mapping and satellite navigation platforms such as Google Maps; Issue penalty points on driving licence records; Issue penalty points on driving licence records; Issue PCNs; Naming and shaming; More frequent police patrols; Physical modal filter may be better

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MTCE 2022-0019	04/01/2023	Jesus Giordano	The reason for this email is to express my total disagreement against the proposal of the TRO near Horseshoe Common, because although it is a commercial area, it is also a residential area where many of us need to access with our vehicles in those hours that they want to prohibit Likewise, we are not exempt from any emergency where you need to access that area by vehicle.	Objection	Resident inside the area covered by the TRO near Horseshoe Common	Exemptions needed for residents and / or those with parking permits; Exemptions required for emergency services
MTCE 2022-0020	09/01/2023	Adam Lewis, Residential Houseparent, Kings Education	In regards Civil Enforcement area Horseshoe common. After 10:00pm. I have a issue as I currently manage student residence accommodation within this area but do not live on site but am constantly on call 24/7 for any issues student have and emergency. I regally am called out late at night with a number of issue e.g. fire alarms, Student behaviour, medical issues, floods the list goes on so I need access to our residences after 10:00pm St Peters Quarter, Bournemouth BH1 2AD Please let me know how you would resolve this issue if you were to enforce this area with indicative camera. As not being able to get to my place of work would be a risk to out student.	Objection	Business inside the area covered by the TRO near Horseshoe Common	Exemptions should be granted for wardens / support staff associated with student accommodation
MTCE 2022-0021	09/01/2023	Chief Superintendent 2505 Mark Callaghan, Local Policing Area Commander for Bournemouth, Christchurch & Poole	There was an incident NYE morning in Bmouth Town centre. In essence it was a driver who appeared drunk / drugged and officers on foot tried to stop him. The video link below shows the near miss of this incident to the officers and public. We have tried for some time now through night-time economy (NTE) work to address the road safety issues in the NTE area. Barriers that rise and fall are the answer, but they are costly. NYE could have ended up with people losing their lives and it is an area that has drunken, vulnerable persons and the current measures are not adequate. There had been previously security staff from the LA on the barriers, but they have not been around for some time. I think the time has come for a review of the road safety in the area during the NTE and I think rather that this going through the NTE group, it is more pointed towards road safety. I would welcome your views on how we best get this on the agenda and some work underway?	Comment	Emergency services	Cameras are reactive not proactive so they offer no safety benefit i.e. they will not stop drivers under the influence of alcohol or drugs; Retractable bollards would offer better protection for pedestrians; Security staff manning the existing restrictions; Review of road safety for the night-economy
MTCE 2022-0022	15/01/2023	Rebecca Mellowes	I write in reference to the civil enforcement area for moving traffic contraventions - Horseshoe Common. I live in the Citrus Building and have no issue with the current road closures 10pm-5am. Please can I ask if you have to obtain permission to change the hours (I am sure it didn't use to close at 10pm). Could I also ask that access will still be possible to the parking area at the Citrus Building? I would not support the traffic enforcements if I was not able to drive home and park in my allocated parking area.	Objection	Resident inside the area covered by the TRO near Horseshoe Common	Does the prohibition of motor vehicles TRO near Horseshoe Common cover all of Madeira Road?; Has the hours of operation changed for the prohibition of motor vehicles TRO near Horseshoe Common?
MTCE 2022-0023	15/01/2023	William Mouhana, Director, Doner Kebab UK	Regarding this new proposal to install cameras in old Christchurch road I object to this new move as already we are struggling to survive in this very difficult time we have delivery and this will put our business in more dangerous situations and making us loosing money on delivery as we need to pick up delivery and also need to bring stock in This will cause us to close delivery at 10pm which is not acceptable move from the council also we have business rate to pay we rely in all sources of our business to make the money to survive only we are already broke now after all stock ,fuel,taxes went up If the council willing to make acceptation to businesses in this affected area I have no issues then but to cause us loose money I am objecting.	Objection	Business inside the area covered by the TRO near Horseshoe Common	Would exacerbate cost-of-living pressures faced by businesses; Exemptions required for delivery vehicles including those associated with take-away food; Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses; Exemptions should be provided for disabled people; Exemptions should be applied for taxis; Lower speed limits would be a better option
MTCE 2022-0024	16/01/2023	Henry El Murr, El Murrino Wood Fired Italian Kitchen	The proposal to apply for a Civil Enforcement Area for Moving Traffic contraventions at Horseshoe Common would be detrimental to our business at El Murrino. This is because the road closures between 22:00 - 5am will not allow for our delivery business to continue throughout these hours. Currently we receive delivery orders until 23:00 meaning that delivery vehicles need access to our restaurant until 00:00. Our delivery business makes up 70% of our income therefore is essential for our business to survive during these tough times. Due to the cost of living crisis more and more customers choose a delivery over coming out to dine. Therefore we are not in a position to restrict our business by 14 hours per week. Not only do we operate deliveries from our Old Christchurch Road branch but it is also our main hub for stock getting delivered out to our different branches / Christmas Market / beach pop up restaurant. Therefore having proper vehicles access is integral to our work as a whole. Deliveries to both the beach pop up and Christmas market happen at night ready for the next day alongside bringing back stock etc. We understand that this part of Horseshoe Common does have its issues but it is very unfair to penalise	Objection	Business inside the area covered by the TRO near Horseshoe Common	Would exacerbate cost-of-living pressures faced by businesses; Exemptions required for delivery vehicles including those associated with take-away food; Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses; Exemptions should be provided for disabled people; Exemptions should be applied for taxis; Lower speed limits would be a better option

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			businesses at these times. Especially when our town centre already has vast amount of empty shops. Therefore we do ask for support from BCP so that we are able to continue to trade. We would propose that if this did go ahead we could have permits or exemptions on our delivery vehicles so that we are able to operate our business without financial implications.			
MTCE 2022-0025	16/01/2023	David Lane, Secretary, BCP taxi and private hire association	As the body which represents Taxi drivers (both Hackney Carriage and Private Hire) licensed by BCP Council, we have been advocating such a measure for years. The existing situation in the area the proposal covers whereby many drivers routinely ignore the road closure notices without penalty increases the risk of accidents and injury to pedestrians. As recently demonstrated by the injuries suffered by two Police Officers. The proposed siting of the cameras would seem to be the most suitable and therefore have our support. We look forward to continuing to work with you to improve the enjoyment and safety of those visiting this area and also make it accessible to all. At our next committee meeting, which coincides with the closure of this consultation we will give some thought to other areas which may benefit from a moving TRO.	Support	Passenger transport provider	Existing restrictions are regularly flouted; Would improve safety for the night time economy; Would improve safety for all road users
MTCE 2022-0026	18/01/2023	Susan Smith	Given the shortage of police resources and the increase in TRO contravention by drivers in the BCP area it makes absolute sense that BCP Council should apply for the power to enforce moving TROs. I fully support this application. The driver contraventions around Horseshoe Common are blatant and the fact that nothing happens about it reinforces the belief that TROs don't matter. Without additional enforcement of TROs contraventions are likely to increase with consequent implications for the safety of both drivers and pedestrians	Support	Resident outside the area covered by the TRO near Horseshoe Common	Will help mitigate pressures on police resources; Will encourage compliance; Existing restrictions are regularly flouted; Would improve safety for all road users
MTCE 2022-0027	18/01/2023	Paul Draper	I am in favour of this being implemented both as a trial and in wider BCP. the mount of inconsiderate parking, pavement parking, cycle lane parking etc seems to be an ever increasing problem. I note that any fines must be used for public transport and road infrastructure improvements, this again is good use of the money.	Support	Resident outside the area covered by the TRO near Horseshoe Common	Will encourage compliance; Illegal and inconsiderate parking is widespread; Conditions controlling how surpluses from PCNs are spent will benefit constituents
MTCE 2022-0028	18/01/2023	Mark Savill	As a resident living on a 20 mph rat run where the average speed must be over 30 would support local authority enforcement powers totally	Support	Resident outside the area covered by the TRO near Horseshoe Common	Will encourage compliance; Rosemary Road, Poole - drivers frequently exceed the 20mph speed limit
MTCE 2022-0029	18/01/2023	Martin Graves, Director, Subway South Ltd.	We operate the 'Subway' store at 166 Old Christchurch Road Bournemouth within the TRO area and oppose the proposed enforcement of the TRO. Our business is dependent on take-away services, especially so since COVID lockdown which resulted in a sea change within the night time economy. The majority of our business during the TRO period is collected by delivery service providers predominantly, though not exclusively, using mopeds. In order to provide an efficient and effective service these riders need access to the roadway immediately outside the premises. If this is now enforced as proposed the delivery riders will simply just take jobs where they can collect unhindered by camera enforced traffic regulations restricting all vehicular access. Accordingly this represents a significant threat to the viability and availability of delivery services from our store to the extent of putting its future and the associated jobs it creates and contribution it makes to the economy through taxes paid at risk. In order to overcome this objection, before the proposed changes to the enforcement of the TRO are put in place, we would like to see the TRO amended to permit moped collections from businesses within the TRO area or at the very least from 2 or 3 moped parking bays within the TRO area.	Objection	Business inside the area covered by the TRO near Horseshoe Common	Exemptions required for delivery vehicles including those associated with take-away food; Would exacerbate cost-of-living pressures faced by businesses; Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses; Exemptions should be provided for disabled people; Exemptions should be applied for taxis; Lower speed limits would be a better option
MTCE 2022-0030	18/01/2023	Dr Sophie Kay	I am writing in response to the proposed action for enforcement of a TRO near to the horseshoe common. I live in the Citrus Building and so would be greatly affected by the introduction of camera regulations and law enforcement in the area near Horsehoe common, and therefore make my case for why this enforcement should not take place. I divide my case into three main issues: Accessibility for emergency	Objection	Resident inside the area covered by the TRO near	Exemptions should be made for on-call doctors and health-care workers; Exemptions should be given for people visiting residents in the zone; Exemptions needed for residents and / or

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			on-call work; Access of visitors/ taxis and the safety of collections/ drop-offs; Pedestrian safety at night. I am a doctor and I work on-call at multiple sites across the Bournemouth and Poole area. This can include emergency home visits and night shifts. By not allowing vehicle access during the hours of 10pm-5am this can add 5-10 minutes onto my journey, which as you might be aware, can be essential time in the world of medicine. Depending on which site I am working at it can also make my journey home longer which at the end of a 13-hour shift can be an unnecessary add of stress and fatigue, especially as some of my shifts finish after midnight. Secondly, the addition of these enforcements will affect when I have visitors to stay, both adding to their journey times and making it difficult to drop me off or collect me. As my building does not have parking for visitors and a fob-controlled gate, I often require them to drop or collect me from Old Christchurch Road. This not only goes for my personal visitors, but for late-night food deliveries, taxi's, or work colleagues dropping me home. For example, I will always ask taxi drivers to drop me at the front entrance of my building which is next to the restaurant Turtle Bay. This is because the front is better lit and usually more populated, whatever the time, and so I feel safer. By restricting taxi's from accessing Old Christchurch Road I would be forced to be dropped off at the back of the building. This is a darker and more isolated entrance and can sometimes have homeless people around it. I feel that this small change would have a huge impact in my safety and could potentially put me in danger. This is something I am sure that the council would not want to risk. This leads into my third point. I often walk home from the town centre after a night with friends and I find that walking along Old Christchurch Road feels surprisingly safe, and this is primarily due to the presence of other people and vehicles. Usually, the street is populated with taxis, delivery drivers in cars and on motorbikes, usually waiting for food collections. This makes me feel safe as there are usually professionals at work around that would witness an attack or be able to step in and help. By restricting the access of vehicles to this area it means I have to walk back along an isolated and empty road. If I were to be attacked or sexually assaulted there would be no witnesses to contact the police or step-in and help, and I would therefore hold the council responsible for making these unsafe changes. Thus, I re-iterate how this enforcement could risk my life and the lives and safety of other young women who live in the area. The removal of late-night traffic would also likely increase the population of homeless people, that currently avoid this area due to traffic at night. Finally, as a local resident and someone who's balcony overlooks the area of the proposed enforcement, I have no issues with vehicles being allowed in the area overnight. Noise is not an issue and I have not seen rowdy behaviour related to vehicles. These are usually young people on foot as they leave nightclubs. Taxis should be allowed to collect people safely from the bars and nightclubs and this involves letting them into this prohibited area. The views of the local residents and owners of local business' in this area are the most paramount opinions to take into account, as these are the people who are most greatly affected. I feel that the prohibition of delivery drivers to this area would have a huge impact to the local business as they are often busy late into the night. Considering how many businesses have closed in the area and how run-down the town has become, I think it would be a poor decision from the council to risk further closure of food services and lead to further decline in the area. And so, I implore the council to consider the above factors when making this decision. Although, I make my claim for personal convenience for access to my place of work and the effect on the safety of the patients I work with, please consider how this implementation will affect the safety of the local residents, the survival of local restaurants and food businesses that rely heavily on income from food deliveries and finally the general bustling, popular nature of Bournemouth town at night. If the council decide to go ahead with this proposal of number plate recognition, then I request that they consider making taxis, food delivery vehicles and local residents of surrounding buildings exempt from these enforcements. This would at least reduce the risk of business' closing and protect resident's ability to get home safely and easily late at night.		Horseshoe Common	those with parking permits; Exemptions should be applied for taxis; Restricting vehicle access would be detrimental to natural surveillance and safety, particularly for women; Anti-social vehicle use is not an issue here; Would exacerbate cost-of-living pressures faced by businesses; Exemptions required for delivery vehicles including those associated with take-away food
MTCE 2022-0031	18/01/2023	Marc Fear, General Manager, Cameo Night Club,	I am the General Manager of Cameo and Myu Bar on Fir Vale Road and I would like to support the proposal as I feel the current situation with racing cars and alike along where people queue for my venue is an accident waiting to happen. The sooner cars are stopped using the roads where the night-time economy is based to show off and speed in front of queuing patrons the better.	Support	Business inside the area covered by the TRO near Horseshoe Common	Would improve safety for the night time economy

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MTCE 2022-0032	20/01/2023	Richard Wade, General Manager, morebus	I write in connection with the above consultation which is currently live. I write in my capacity as General Manager for the Conurbation's largest operator of bus services. I write to give our overwhelming support for this application, which can only assist in promoting free flowing traffic and speed up movements for all users. This has a benefit to us, our passengers and the economy in general. One of the biggest challenges we face as an operator striving to run reliable and efficient bus services is congestion. One major contributory factor to congestion is disobedience of traffic orders, in the form of both moving vehicles and parked vehicles. As part of the submission for Bus Service Improvement Plan (BSIP) funding we had to put forward ways that we would like to see the money spent, and large parts of our request, including some of those that resulted in the bid being successful to the tune of £8.9million surrounded the creation of bus priority schemes. Such schemes only work if there is adequate enforcement, and a concern remains about how the benefit will play out in practice if other road users do not respect the space set aside for buses. This will allow BCP Council to address those violations, in addition to parking offences currently breached. The trial area will not affect buses as things stand, because we currently abide by the TRO and divert buses away from that area during the times it applies. However, we believe it may pave the way in future to allow the physical gates to be replaced with cameras, which may offer an opportunity to consider whether buses and/or taxis could be given an exemption. The need for an alternative routing causing confusion for some bus passengers leading to missing buses and lacking confidence in services, so isn't ideal. However, that's outside of this consultation. We will though benefit from this power being used in other areas and agree this is the ideal place to trial it, and hence our overwhelming support. We would like to see revenue generated though this enforcement invested in general enforcement, to include parking enforcement already in place. One area we specifically have problems, which might become more of a problem as motorists seek to avoid this area, is with parking along the entire length of Old Christchurch Road to Lansdowne Roundabout. Given the proximity, it would be logical to seek greater enforcement there.	Support	Passenger transport provider	Will help improve traffic flow; Will encourage compliance; Illegal and inconsiderate parking is widespread; Will support bus priority measures contained within the Bus Service Improvement Plan; Exemptions should be considered for buses; Revenue generated from moving traffic contraventions should also be used to enforce parking restrictions; Entire length of Old Christchurch Road Bournemouth - parking restrictions routinely flouted
MTCE 2022-0033	24/01/2023	Stephen Bligh	I live in the citrus bldg. Opposite horseshoe common and I work nights on average I arrive home Between 3.30 to 5am . On quiet nights I always use dean park crescent as the road is in better condition Than Madeira rd wich is a terrible rd.As I am resident in this capture area and work nights surely I will not Subject to some sort of punishment for this. Also which will be of concern people pe parking right outside access gate to premises where current road gate is This has happened on a couple of occasions Please reply to this with some answers as I am very concerned	Objection	Resident inside the area covered by the TRO near Horseshoe Common	Exemptions needed for residents and / or those with parking permits; Parked vehicles blocking the vehicle crossover for the Citrus Building on Madeira Road
MTCE 2022-0034	24/01/2023	Leo Belcham	While I have no problem with enforcement of the individual TRO in Horseshoe Common area, I must object very strongly to the proposed widening of the powers to the whole of BCP and all present or future TROs. This allows the imposition of unlimited enforcement and uncontrolled new TROs at any time and represents a definite erosion of residents civil liberties. It is imperative that all future TROs and future enforcement must go through the full public consultation process and approval by Council.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Indiscriminate enforcement of TROs could lead to an erosion of civil liberties
MTCE 2022-0035	24/01/2023	Tess Baker	I am writing with reference to the public consultation on the above proposed TRO initially applying to the end of Horseshoe Common and which will also grant the power to enforce options for other locations going forward. I STRONGLY OBJECT This is a gross overreach of power by BCP. Moving Traffic Contraventions are a police matter and should remain so.BCP should not be spending Council Tax payers hard earned cash on schemes that will bring no benefit to the majority. The footfall in these areas is arguably no more after 10pm than at any other time and I can see no evidence of deaths or injuries due solely to moving traffic in these areas. Please correct me if I am wrong! This is a sledgehammer to crack a nut as the majority of motorists are considerate and respectful of the rules of the road. To penalise every single motorist for the few who might contravene a restriction occasionally, is both draconian and a waste of local tax payers money.BCP have enough problems without wasting money on this. We have roads that are literally disintegrating and blocked drains causing local flooding due to lack of regular maintenance. Whether this is related to the latest fashion fad of climate change (with the eventual ban on vehicles completely) or a genuine attempt for unproven "extra safety for pedestrians" it certainly needs more thought before forging ahead with schemes for the sake of schemes. BCP Council need to start paying	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Moving traffic contraventions should only be enforced by the police; Indiscriminate enforcement of TROs could lead to an erosion of civil liberties; Council should focus on other more pressing matters; Waste of time and money; Restrictions which prohibit motor vehicles are not justified; Another anti-car measure designed to penalise drivers; Net zero agenda is being imposed on the public without a democratic mandate

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			attention to what the local people really want. A well run Council that listens to the people first, not government related entities. It's time our hard earned council tax was used for the benefit of everyday hardworking people who are trying to earn a basic living and keep their heads above the water in these very difficult times. Stop squandering our money on hair brained schemes that do not benefit us.			
MTCE 2022-0036	25/01/2023	Nick Greenwood	I cannot approve any further single regulation without knowing why current regulations and insufficient. It appears Councils throughout the Country are following proposals by a Foreign entity such as the World Economic Forum implementing directions such as the 15 minute City project with Trials in Oxford and Canterbury. I therefore cannot support giving any further powers to the BCP in the current circumstances especially as they may possibly involve an act of treason.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	What is wrong with the current method of enforcement?; Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford
MTCE 2022-0037	25/01/2023	Julia Wilde	What is the point of this consultation if one is not allowed to object to the enforcement of TROs, restrictions imposed by TROs or where new TROs are imposed? It seems to me that what you are attempting to do is open the floodgates to Low Traffic Neighbourhoods and other such schemes - environmental lockdowns in other words. All without proper public scrutiny. How much money are you spending on this and other consultations where objections are not included, ignored or otherwise thrown out? And for the record I do object and my alternative ideas and suggestions include leaving well alone and allowing us all to get on with our lives in peace and freedom. We pay road taxes and expect to be able to use them. Is this a democracy or not?	Objection	Resident outside the area covered by the TRO near Horseshoe Common	What is the purpose of this consultation? Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford; Waste of time and money; Do not proceed with the proposals - they are not warranted; Restrictions which prohibit motor vehicles are not justified; Another anti-car measure designed to penalise drivers; Indiscriminate enforcement of TROs could lead to an erosion of civil liberties
MTCE 2022-0038	25/01/2023	Daniel Bryson	I object to this planning and the implementation of more big brother cameras in the BCP council. Sometimes mistakes are made which will be penalised without representation which at the moment could be handled in a 121 conversation for instance. The implementation of AI is not supported by the UK population as a whole as the power it wields corrupts those in positions of authority. Yes they have their place but not in such a generalised format where it could be rolled out to other BCP areas so before we know it, there are 5 x the cameras there are now. We do not want a big brother state and any moving on this will lead to discontent at the very least	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Artificial Intelligence and / or cameras are an invasion of privacy; Could create driver resentment; Appeals process should allow for adequate representation
MTCE 2022-0039	26/01/2023	Hazel Dudley	Whilst I fully understand the desire to curb and calm excessive traffic in certain areas, I strongly disagree with these, and any similar proposals, to limit traffic and restrict areas. This policy is being cited as sensible and convenient but in reality it could be the beginning of excessive control by authorities; a completely unacceptable overreach. There are already (and have always been) traffic restrictions across the entire country, city centres included, and the public willingly abide by these. The power to prevent people from travelling in and around their area, city, or country is wholly unacceptable. I understand also that 5G is to be set up across designated areas for the purpose of monitoring. 5G is not only potentially dangerous to our health but also infringes in an unacceptable way on our privacy. We, in the UK, are a democracy and a free country. Proposals such as these, including possible Smart Places and 15/20 minute cities, fly in the face of such. You do not have my consent to such plans in the area of Horseshoe Common or any other area at any time.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Restrictions which prohibit motor vehicles are not justified; Indiscriminate enforcement of TROs could lead to an erosion of civil liberties; Artificial Intelligence and / or cameras are an invasion of privacy; Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford;
MTCE 2022-0040	26/01/2023	Jon Shipp, Night Time Economy Coordinator, Safer Communities, BCP Council	I have been involved with the evening and night time economy of Bournemouth since 2006 as the NTE Co-ordinator, and have a particular interest in the completion of enforcement for traffic violations through this area. The area was raised as an issue by the Bournemouth by Night studies, both comprehensive pieces of work that highlighted the conflict between moving vehicles and pedestrians in this area. It was also raised by Purple Flag assessors as an area of concern and features on each full renewal report. I fully support the council's proposals for the prohibition of motor vehicles in the TRO for the Horseshoe Common area using the approved devices mentioned in section 20, Equipment, of the consultation document.	Support	BCP councillor / officer	Would improve safety for the night time economy
MTCE 2022-0041	27/01/2023	Kate Moores, Accommodation Manager,	We have been shown the map for the permanent road closures around Horse shoe common and through Fir Vale Road. We, at Mercury House student accommodation are located in the centre of this closure. Should these road be closed at all times then we would have great difficulty with deliveries, student move in and out and staff parking. The loss of staff parking would lead to considerable costs to my colleagues	Comment	Business inside the area covered by the TRO near	Exemptions required for delivery vehicles including those associated with take-away food; Exemptions should be granted for wardens / support staff associated with student

REPRESENTATION RECEIVED				ANALYSIS		
Reference	Date	Name	Message	Viewpoint	Respondent type	Themes raised
		Universal Student Living	which may mean that working here is no longer financially viable. Can you please give us further information on how you foresee us accessing the building when we need to.		Horseshoe Common	accommodation; Would exacerbate cost-of-living pressures faced by businesses
MTCE 2022-0042	27/01/2023	Tony Woodcock	I am confused by note 27 on this "consultation": if we cannot object to moving traffic orders or where they might creep to next, what is the point of you asking? Done deal comes to mind. I see this scheme as the thin end of the wedge. It smacks of Low Traffic Neighbourhoods (LTNs), aka 15 minute cities, aka lockdown neighbourhoods, aka open prisons and loss of freedom. If this IS what is intended, and it's hard to tell from the scant and vague info you divulge, then I strongly object to this and any similar scheme.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	What is the purpose of this consultation?; Proposals constitute a form of environmental lockdown similar to the traffic filters being trialled in Canterbury and Oxford; Indiscriminate enforcement of TROs could lead to an erosion of civil liberties
MTCE 2022-0043	27/01/2023	Elizabeth Glass	26a. Assuming that the ANPR cameras are intended to make the area safer for night time visitors I fail to see how they would achieve this. The penalty would apply retrospectively. The only way to make an area safe is to have a police presence. 26b. By enforcing other TROs in the BCP area with ANPR the council is in danger of making the area unwelcoming to visitors and seems a total overreach for usually unintended infringements. It has been proved in London that this type of enforcement is purely a money making exercise. How much do these cameras cost? I object to my council tax being used in this way. There are far more important issues.	Objection	Resident outside the area covered by the TRO near Horseshoe Common	Cameras are reactive not proactive so they offer no safety benefit i.e. they will not stop drivers under the influence of alcohol or drugs; Moving traffic contraventions should only be enforced by the police; Could create driver resentment; Revenue raised from PCNs; Cost of cameras; Waste of time and money; Council should focus on other more pressing matters
MTCE 2022-0044	27/01/2023	Emma Venner, Turtle Bay	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	Proposed prohibition of motor vehicles TRO is procedurally unfair and there has been no consultation with affected businesses; Exemptions required for delivery vehicles including those associated with take-away food; Exemptions should be provided for disabled people; Would exacerbate cost-of-living pressures faced by businesses; Exemptions should be applied for taxis; Lower speed limits would be a better option
MTCE 2022-0045	27/01/2023	Valerie, Taco Bell	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0046	27/01/2023	Ty Temel, Halo Nightclub	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business outside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0047	27/01/2023	Walid, Kala Thai Restaurant & Bar	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0048	27/01/2023	Nezzar, Levant Restaurant	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near	As per MTCE 2022-0044.

REPRESENTATION RECEIVED				ANALYSIS		
Reference	Date	Name	Message	Viewpoint	Respondent type	Themes raised
					Horseshoe Common	
MTCE 2022-0049	27/01/2023	Tara, JustEat	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0050	27/01/2023	Jamie, Uber Eat	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0051	27/01/2023	Edward, Deliveroo	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0052	27/01/2023	Mohammad, Sol Pizza	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0053	27/01/2023	R Kallas, Tasty	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0054	27/01/2023	Tarek, Camel Bar	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0055	27/01/2023	Ruset, OCR Store	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.
MTCE 2022-0056	27/01/2023	Ismail, Jazz Fast Food	Please see Appendix D – Legal representation issued by 3PB Barristers.	Objection	Business inside the area covered by the TRO near Horseshoe Common	As per MTCE 2022-0044.

Appendix D – Legal representation issued by 3PB Barristers

Nick Robinson
Barrister

Email: [REDACTED]

BCP Council

Email: traffic@bcpCouncil.gov.uk

Ref MTCE 2022: Civil Enforcement Area for Moving Traffic Contraventions Horseshoe Common.

BCP Council proposes to apply for a Traffic Regulation Order and to impose a civil enforcement area for moving traffic contraventions¹, under Schedule 8, Part 2, Paragraph 10 of the Traffic Management Act 2004. The Road Traffic Regulation Act 1994 (“the Act”) applies.

My client is El Murrino, which is a food and drink dine-in restaurant, takeaway and collection amenity located at 154 Old Christchurch Rd, Bournemouth BH1 1NL.

This is a formal notice provided on behalf of my client, and other interested parties listed below, namely commercial premises directly and indirectly affected by the proposed TRO, objecting to the civil enforcement area for moving traffic contraventions (MTCE 2022).

The prohibition of motor vehicles near Horseshoe Common will have a disproportionate impact on my client’s business and on the local amenities as well as the street scene. The application is procedurally unfair and there has been a complete lack of consultation with organisations likely to be affected by the TRO.

The TRO will cause a restriction on trade due to lack of vehicle access, which will impact on ability to fulfil delivery orders and to restock pop-up venues. It will cause inconvenience to

¹ Moving Traffic Conventions are defined /outlined in Schedule 7, Part 4 of the Traffic Management Act 2004

customers, particularly disabled customers, who would be unable to access the restaurant by vehicle between the hours of 22:00 hours and 05:00 hours

The application is made without any or any adequate risk and or impact assessment on the local businesses and on local amenities, which failure to do so is compounded by the cost-of-living crisis and the public health crisis.

The Civil Enforcement Area for Moving Traffic contraventions at Horseshoe Common would have a disproportionate detrimental impact on my client's business. This is because the road closures between 22:00 and 05:00 hours will not allow for the continuation of the delivery and collection of food and beverage to continue throughout these hours, which are peak periods. Currently, my client receives delivery orders until 23:00 hours meaning that delivery vehicles require access to the restaurant until 00:00 hours.

The delivery business makes up 70% of the company's total income. Therefore, for the business to survive, particularly during the present recession, it is critical that the delivery and collection service continues. Due to the cost of living crisis, and the public health crisis, more customers choose a delivery rather than dining at the restaurant. Therefore, my client is not in a position to restrict the business by 14 hours per week.

The Old Christchurch Road branch of El Murrino is not only the main source of the company's deliveries, but also main hub for stock storage and delivery out to the different branches, the Christmas Market and the beach pop up restaurant (BCP contracts). Consequently, having proper vehicular access is integral to the function of the business as a whole. Deliveries to both the beach pop up and Christmas market happen at night ready for the next day alongside bringing back stock.

The proposed TRO would mean that my client's delivery business would have to close at 21:00 hours. This is because by the time that the food is prepared and the driver delivers and then comes back with payment, delivery bags and the like, it would be 22:00 hours.

Also, customers leaving the restaurant often get taxis. Therefore, they would be inconvenienced if they are unable to do this after 22:00 hours. This is especially important for disabled customers. If it becomes difficult to access the restaurant then customers will go elsewhere.

The proposed TRO would effectively devastate my client's turnover and result inevitably in the closure of the business. This would result in employees losing their jobs and adversely impact the local amenities. An already derelict high street would be adversely impacted, which would further damage the street scene, which is an important factor.

My client would propose that if the TRO goes ahead, it should be subject to and following a proper consultation with affected businesses, assessment of impact, and consideration of measures to safeguard local amenities and employment, for instances through the use of permits and or exemptions on delivery vehicles and or speed restrictions to protect pedestrians and allow them to feel safe and secure.

When considering the making of a TRO, the Council has a statutory duty to consider the matters detailed at section 122 of the Act. In particular the effect on the amenities of any locality affected by the proposal. BCP Council appears to have breached this duty. The proposed restriction would prevent delivery drivers and vehicles from collecting food from the restaurant. This does not secure suitable and adequate parking facilities and it fails to secure and maintain reasonable access, of the delivery vehicles, and therefore by proxy the customers, to essential local amenities.

Your attention is invited to the cases of *Trail Riders Fellowship v Wiltshire County Council* [2018] EWHC 3600 (Admin) and *Trail Riders Fellowship v Hampshire County Council* [2018] EWHC 3390 (Admin).

It is submitted that there has been a failure to consult in accordance with the requirements of the Act and Regulations, which it is submitted is fatal to the proposed TRO, at least in its present guise.

The Regulations require consultation with ‘such other organisations (if any) representing persons likely to be affected by any provision in the order’. In the Wiltshire CC case, the TRO was quashed due to the council not consulting with the Trail Riders Fellowship who were a relevant organisation representing a segment of motor vehicle users (motorcycle users) that would be prohibited by the order.

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 sets out the procedure for making a traffic regulation order. The Openness of Local Government Bodies Regulations 2014 provide that, in the case of a delegated decision, the decision-maker must produce a written record of any decision which affects the rights of an individual.

My client hereby requests a copy of said written record in addition to a copy of the application for the TRO and written evidence of the compliance with section 122 of the Act.

In the Hampshire County Council case it was held: “The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the "principal important controversial issues", disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds”.

Should BCP Council implement the Traffic Regulation Order and impose a civil enforcement area for moving traffic contraventions in Horseshoe Common in the proposed fashion, my client and affected parties reserve the right to judicially review the decision on the ground the Council has acted irrationally, unlawfully or in a procedurally unfair manner when making their decision.

My client is supported by other local businesses who provide amenities to the BCP locality:

Name of Business	Name of the Person	Email Address/ Contact number
El Murrino	Henry El-Murr	[REDACTED]
Turtle Bay	Emma Venner	[REDACTED]
Taco Bell	Valerie	[REDACTED]
Subway	Khabir	[REDACTED]
Halo	Ty Temel	[REDACTED]
Kala Tai	Walid	[REDACTED]
Levant	Nezzar	[REDACTED]
JustEat	Tara	[REDACTED]
Uber Eat	Jamie	[REDACTED]
Deliveroo	Edward	[REDACTED]
Sol	Mohammad	[REDACTED]
Tasty	R Kallas	[REDACTED]
Doner Kebab	Bassem Mhanna	[REDACTED]
Camel Bar	Tarek	[REDACTED]
Fish and Chips	Tarek	[REDACTED]
OCR Store	Ruset	[REDACTED]
Jazz Fast Food	Ismail	[REDACTED]
Marimis	Ismail	[REDACTED]

Yours faithfully,

Nick Robinson

Nick Robinson

Barrister

RISK ASSESSMENT RECORD

Service Unit:
Transport and
Engineering

Assessor/s: Richard Pearson

Reference: MTE

Activity assessed:
Application for Designation of Moving Traffic Enforcement Powers and Implementation

Date:	7/2/23
Review date:	ongoing

Hazards identified	Who might be harmed and how	Existing control measures	Further action required		
			Action	By when	Person responsible
Operations team and camera company in regard to the installation of posts enforcement cameras.	All road users.	Chapter 8 NRSWA compliance	None	N/a	Neighbourhood Services Site Supervisor/Or external Contractor
Vehicles losing control and striking the posts on which cameras are mounted.	All road users.	Any additional posts should be installed in locations where the risk of collision is reduced and on all occasions set back 450mm to 600mm from the kerb edge.	Monitor impacts on road safety.	Ongoing	Road Safety Team Leader
Pedestrian access could be impacted if posts are poorly positioned or narrow footways.	All road users.	Posts should also be installed so as to minimize any obstruction of the footway. A minimum pinch point width of 1.2m should be achieved at all times.	Check positioning prior to install. Monitor impacts on accessibility.	On install/ Ongoing	Traffic Team Leader/Road Safety Team Leader
Fines may be incorrectly levied.	All road users that are subject to traffic controls.	Checks have been made on the compliance of the TRO and the signs.	An appeal process will enable any unforeseen issues to be dealt with and fines to be waived where appropriate.	Ongoing	Traffic Team Leader/Parking Team/Parking Manager

Public expectation may arise that the Council can enforce all moving traffic orders.	All road users.	Clear communication around prioritization methods.	Dorset Police retain their powers. Maintain harmonious partnership to control expectations and maintain public confidence.	Ongoing	Transport Network Manager/Traffic Team Leader/Parking Manager/Road Safety Manager
Some restaurants and food outlets within the area of closed roads have become increasingly dependent on deliveries by 'Deliveroo' and other similar providers. Whilst their vehicles should not be entering the closed roads on motor vehicles, the added enforcement may be considered to be reducing their business options.	Restaurants and food outlets in the closed area and their customers.	Their activities are currently unlawful unless operating by bicycle or electric bike.	The impact will be monitored however it may be viable to mitigate this by introducing parking spaces close to the closed zone enabling delivery vehicles to park there for short periods and walk to pick up their delivery.	Ongoing	Traffic Team Leader

BCP Equality Impact Assessment Screening Tool

Public Sector Equalities Duty

Please answer all the questions and provide a summary of the answers in the Summary and Conclusions box below. Please send a copy of this document to the Policy and Performance Team

1. Project Title:	Application for Designation of Moving Traffic Enforcement Powers
2. Service Unit:	Transport and Engineering
3. Summary of Project:	To apply for moving enforcement powers and if successful deploy enforcement cameras at Horseshoe Common and future prioritised locations

Equality Impact Assessment Screening Tool	Response Yes/No/Maybe/Don't Know
4. Will the policy or service change affect service users, employees or the wider community?	Yes
5. Is there likely to be a positive or negative impact in terms of equality? Use the protected characteristics listed below as defined by either the equality act or by BCP Council to determine if this decision will affect any characteristic disproportionately.	Yes. Injuries and death from road traffic collisions are known to impact males more than females, due to a range of factors including increased risk taking. Pedestrians, cyclists (majority male), scooters and motorcyclists (majority male) as well as younger people are also more at risk of road traffic injury compared to other groups. These transport modes are more affordable and therefore individuals who may be injured may also be from lower socio-economic groups. Often, including in this case, the rationale for prohibited traffic movements includes reasons relating to road safety. Therefore improved governance of prohibitions is likely to improve road safety outcomes for these same groups. The fines that will arise from any offences will be flat rate fines. Arguably these will

BCP Equality Impact Assessment Screening Tool

disproportionately impact individuals from lower socio-economic groups however it is considered impractical to means test individuals given the modest scale of fines and the costs that means testing would impose. It is also noted that penalty charge notices relating to fixed TROs (eg parking restrictions) also operate on a flat rate.

It is noted that there will be an appeal process and therefore it will be possible to consider unforeseen circumstances through that process.

It is also noted that there is no requirement for anyone to pay fines for breaching moving TOs - simply by complying with them.

This initiative and decision only relates to the enforcement of existing traffic orders, that it is already unlawful to contravene and which can already be enforced. Currently these contraventions can only be enforced by Dorset Police, but if approved, in future, these offences will also be able to be enforced by the Council. The sanctions the Council can impose are a fine only and in that sense, the sanction for contravening the orders is lower than that pertaining to enforcement by Dorset Police which includes the sanction of a fine and points on an individuals driving licence that

BCP Equality Impact Assessment Screening Tool

	can impact insurance costs, employment and accumulate to result in a driving ban. If approved, the enforcement work will take place under a strict legal framework that is decided and controlled by Central Government and therefore the Council has no scope or authority to vary from that framework and the Council is merely applying for powers under a process that has been provided for by Central Government and Parliament.
6. Does it relate to a sector or physical area where there are known inequalities?	No
7. Does it relate to a service that is currently underused by people it should reach?	No
8. Does the policy or service change relate to functions that previous consultation has identified as important to a particular group?	No
9. Do different groups have different needs or experiences in relation to the policy/service?	No
Summary and conclusions <i>Please use this section to support the responses above and to determine if you will/will not carry out a full EIA.</i> <i>It is important to remember that even when it has been decided not to carry out a full EIA the outcome of this decision record remains subject to the general duties and not carrying out a full EIA places the Council at greater risk of legal challenge</i>	
The proposed changes impact all service users, however the changes only seek to enforce existing moving Traffic Regulation Orders that all members of the community should currently be already complying with. There is a partial argument that those on lower incomes could be disproportionately penalised by the imposition of a flat rate penalty charge. However, there is no requirement to pay the charge at all if an individual obeys the road rules. Parking charge notices for contraventions of static TROs (e.g. parking restrictions) operate on the same basis and if the fines were means tested in some way this would be likely to make the enforcement process unaffordable to operate. Individuals who disobey moving TROs tend to place themselves and others at risk of physical injury or death due to the risk of a road traffic collision arising from a dangerous or unexpected prohibited traffic movements, eg driving the wrong way down a one-way road or passing a road closed sign or ignoring a no left, no right or no entry sign (TRO), etc. It is known that injuries arising from collisions disproportionately impact males, younger people, pedestrians, cyclists, scooters and motorcyclists. As those are also affordable travel modes they may also impact individuals who are economically disadvantaged and therefore improving compliance and lawfulness on the public highway may have positive benefits to those same	

BCP Equality Impact Assessment Screening Tool

groups. These impacts can all be regarded as secondary and no group with protected characteristics appears to be directly impacted by this decision.

Will this decision record be supported by a full EIA?

No

Assessment Screening Tool completed by: Richard Pearson

Date: 7th Feb 2023

BCP Equality Impact Assessment Screening Tool

Protected Characteristics

1. Age¹
2. Disability²
3. Sex
4. Gender reassignment³
5. Pregnancy and Maternity
6. Marriage and Civil Partnership
7. Race
8. Religion or Belief
9. Sexual Orientation
10. Armed Forces Community
11. Any other factors/groups e.g. socio-economic status/carers etc⁴
12. Human Rights

¹ Under this characteristic, The Equality Act only applies to those over 18.

² Consider any reasonable adjustments that may need to be made to ensure fair access.

³ Transgender refers people have a gender identity or gender expression that differs to the sex assigned at birth.

⁴ People on low incomes or no income, unemployed, carers, part-time, seasonal workers and shift workers