

CABINET MEMBER DECISION RECORD TEMPLATE

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

Decision Ref. No:

Responsible Officer: Sophia O'Sullivan
– Senior Rights of Way Officer

Subject: Traffic Regulation Order (TRO) prohibiting ALL through use motor vehicles (as legally defined) on Byway Open to All Traffic (BOAT) K21 - Yeomans Road

Decision taken: To implement the TRO prohibiting ALL through use by motor vehicles on BOAT K21 - Yeomans Road as publicised

Reasons for the decision: Protecting the safety of all users and residents of Yeomans Road, BOAT K21 by preventing its use as a cut through for motor vehicles

Call-in and Urgency: This decision is subject to the Council's Call-in procedure.

Background: Yeomans Road, BOAT K21, is an unmade track located between Throop Road to Chesildene Drive/Yeomans Road and Yeomans Way roundabout. It is subject to public pedestrian/cycling/equestrian and vehicle rights. The difference between a BOAT and a standard carriageway (road) is that a BOAT is used by the public mainly for the purpose for which footpaths and bridleways are used ie pedestrian and equestrian use. This BOAT has been the subject of discussion for many years as the vehicle use has increased.

Please see attached a map showing the location of the route and area covered by the Traffic Regulation Order.

The route has become a cut through/rat run for motor vehicles attempting to avoid the congestion on Castle Lane West. It is particularly favoured by delivery vehicles - large vans, small lorries. Some travel along the route at excessive speed, scaring other legitimate users and damaging the surface.

For many years the route has been maintained by Bournemouth Borough Council but due to its construction (an unbound surface) all repairs undertaken have had a very limited life span. There is no duty for the council to metal this route.

After extensive local consultation (for details please see below) it was agreed that the only workable solution for both residents of properties accessed off this route, other users and the council was to prohibit through traffic to ALL motor vehicles for a small section of the route by narrowing the route at one point which will then create 2 cul-de-sac routes for motor vehicles. The legal mechanism for achieving this is through a the implementation of an appropriate TRO.

Options - and reasons for rejection:

1. The option of continuing with the current management regime is unsustainable and inefficient from the perspective of residents of properties accessed off the route, other users and the council.

Consultations undertaken:

- All residents of Yeomans Road, the owner of commercial property and land at Yeomans Road and the Ward Councillors were consulted.
- In addition the emergency services, disability groups and all other statutory consultees were also consulted and advertisements were put in the Bournemouth Daily Echo, on the council website and placed on-site.
- All those consulted were provided with details of how to access the proposed order (which were also given on all advertisements)
- Of the 15 replies received 13 were in support with 2 objections (one of which raised an issue with the current state of the route and wished it to be tarmaced)
- Ward Councillors - All 3 were in support
- An objection was received from a resident who was concerned about access on a mobility scooter
- An objection was also received from the owner of both residential and commercial property and land, raising various points, including;

Traffic calming measures could be introduced instead
If dust is a problem this could be dealt with by resurfacing
Doubling up on traffic movements by utility vehicles
Potential delay and problems of access and egress by emergency vehicles

- The Council considered the objections raised fully and in doing so paid particular regard to the fact that the emergency services had been consulted and no response had been received and that the TRO will not prevent access on a mobility scooter over the full length of the BOAT. The Council concluded that the introduction of the TRO as drafted should take place

In consultations undertaken prior to the advertisement of the TRO all parties who responded were in agreement with its introduction- this included all but one of the residents and the owner of residential and commercial property at Yeomans Road who later objected

No separate consultation plan was required as this is covered by secondary legislation.

Formal notice was given in a local paper and the public were kept fully informed as part of this process

Finance/Resource Implications:

The cost of narrowing the route will be met by existing Public Rights of Way budgets 2013/14

Name:

Signature: *(of Chief Finance Officer)*

Date:

30/1/14

Legal implications:

It is felt that the objections to the making of the TRO have been properly considered and that there are no grounds for challenge to the making of a TRO in this case.

Name:

Signature: *(of Monitoring Officer)*

Date:

27/1/14

Risk assessment:

Name: Sophia O'Sullivan

Signature: *(of Officer completing assessment)*

Date: 27.1.14

Impact Assessments:

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Information for/not for publication:

For publication

Background papers:

Location Plan

Equality Impact Needs Assessment

Risk Assessment

Environmental Impact Needs Assessment

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
Yes /No*			

* Delete as appropriate

Decision taken by:

Councillor MICHAEL FLER (Print name)

Cabinet Portfolio TRANSPORTATION (LEASING & WASTE

Signed:

Date of decision: 31/1/14

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

7 February 2014

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

14 February 2014

-insert date-

Note - See separate guidance on recording decisions at Appendix 1.

Appendix 1

Guidance

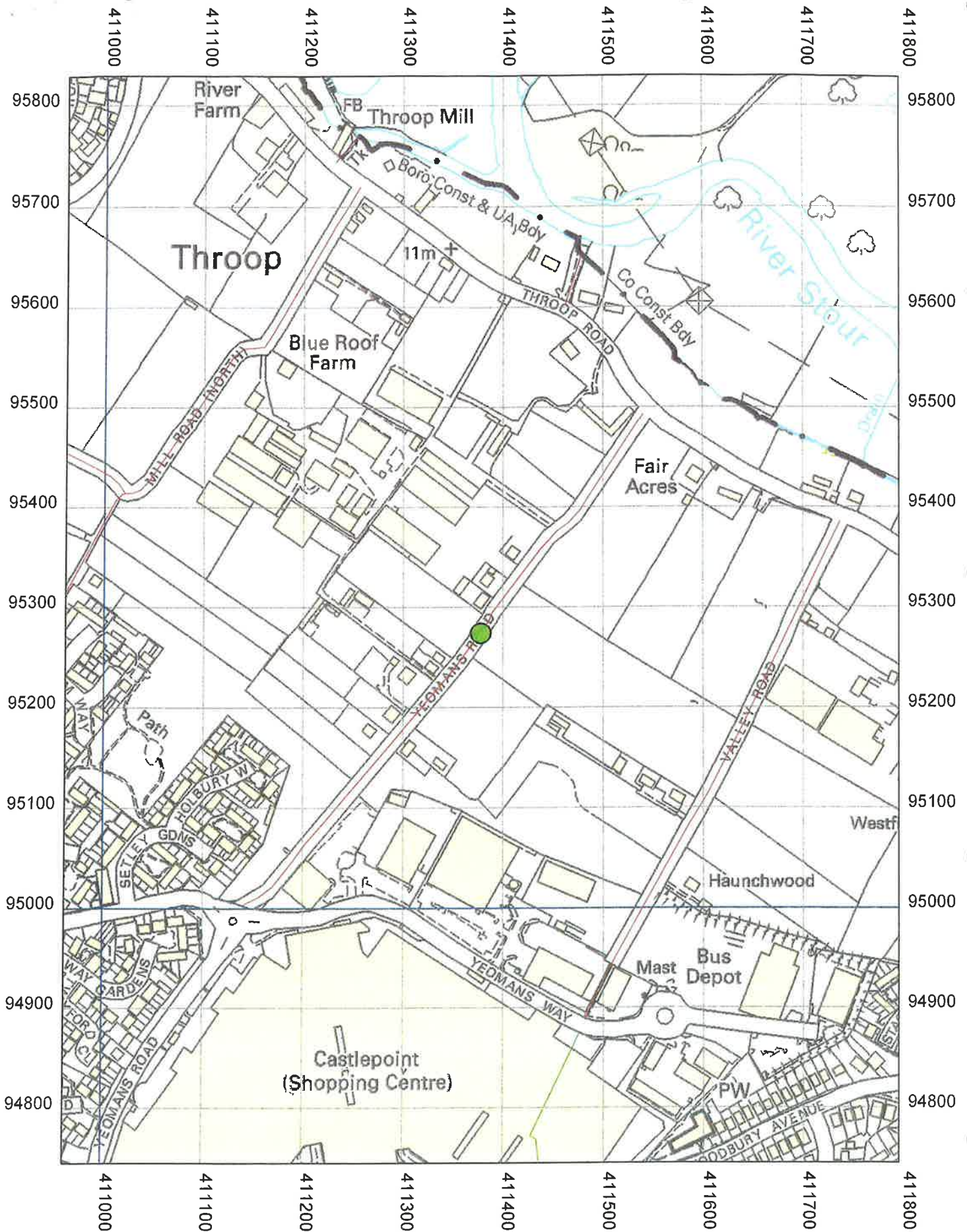
1.0 Recording the Decision

- 1.1 **Upon making an executive decision the Cabinet Member must arrange for the Democratic Services Manager to be provided with**
- **a signed copy of the completed Record of Decision; and**
 - **a copy of the completed Record of Decision with the signatures redacted¹**
- within 2 working days of the date of taking the decision together with a copy of any report upon which the decision was made.**
- 1.2 The Democratic Services Manager will maintain a record of all signed decisions referred to in paragraph 1.1, including any report upon which each decision was made and subject to any requirement for confidentiality, will ensure that the redacted version of the decision is published by the Council

¹ The reason for this is that signatures are considered to be personal data and along with other personal information which is already in the public domain – that is the name of the Councillor and their home address - this would provide sufficient information for some form of identity theft. Whilst the risks of this happening are low, the Council needs to mitigate and remove any potential risks from this happening and safeguard the identity of Councillors.

on its web site. S/he will also ensure that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge.

- 1.3 It is essential that the contents of the Record of Decision are clear in conveying the decision taken – that is it will not be sufficient to state that the recommendations in a report were agreed. The form and accompanying report must set out:
- a record of the decision;
 - the reasons for the decision;
 - details of any alternative options considered and rejected;
 - a record of any conflict of interest declared by the decision maker; and
 - in relation to any such declaration, a note of any dispensation granted by the Monitoring Officer.
- 1.5 The Delegated Record of Decision template includes a section for the recording of interests by Cabinet Members. It is important that where Cabinet Members involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.



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Scale
1:5000

Yeomans Road
TRO Location K21

Key:  TRO

Activity : Traffic Regulation Order for Yeomans Road

No	What Risks Exist?	Details and Considerations (i.e. what could trigger the risk? What would be the consequences? Etc)	What precautions have already been taken to control the risk?	Current Risk Level			What measures can be implemented to reduce the risk to an acceptable level?	By Whom	Target Date	Target Risk Level		
				Impact	Likelihood	Risk Rating (Impact x Likelihood)				Impact	Likelihood	Risk Rating (Impact x Likelihood)
12	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
13	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
14	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
15	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
16	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
17	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
	Description	Who is affected?				None						None

No	What Risks Exist?	Details and Considerations (i.e. what could trigger the risk? What would be the consequences? Etc)	What precautions have already been taken to control the risk?	Current Risk Level			What measures can be implemented to reduce the risk to an acceptable level?	By Whom	Target Date	Target Risk Level		
				Impact	Likelihood	Risk Rating (Impact x Likelihood)				Impact	Likelihood	Risk Rating (Impact x Likelihood)
31	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
32	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
33	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
34	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
35	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
36	Description	Who is affected?				None						None
		Triggers										
	Category	Consequences										
	Description	Who is affected?				None						None

Issue: Traffic Regulation Order Prohibiting all through traffic on Byway Open to All Traffic (BOAT) K21 - Yeomans Road
 Meeting Date: Not applicable
 Accountable Manager: Mike Holmes
 Impact Assessor: Sophia O’Sullivan 01202 262060 sophia.o’sullivan@bournemouth.gov.uk

Key	
+	Balance of positive Impacts
?	Balanced or unclear impacts
-	Balance of negative impacts
n/a	Not applicable

Impact Criteria	Impact	Comments
Natural resources impact on use of natural resources - for example energy, water, raw materials	+	Encourages sustainable transport and reduces vehicle traffic along Yeomans which will require fewer natural resources.
Quality of environment contribution to safe and supportive environments for living, recreation and working	+	Improved environment for people living in the area. Improving the safety of legitimate users on the Byway - pedestrians/cyclists and equestrians
Bio-diversity protects and improves wildlife and habitats	+	Reduces conflict with traffic and wildlife and ensures fewer vehicle movements along route that could harm the bio-diversity. The existing hedgerows will remain.
Waste and pollution effects on air, land and water from waste and emissions	-	Existing route will remain unmetalled and so there will not be any surface water flood generated by it beyond the current level. Some lower emissions as less traffic will be able to use the route.
Council Priority and Objectives for Improving our Environment: <ul style="list-style-type: none"> • Reduce traffic congestion • Improve streetscene • Improve recycling & energy management • Respond to climate change • Improve quality of existing space 	+	Improves streetscene and creates an improve quality of life for local residents.

Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy and Sustainability Manager @ lee.green@bournemouth.gov.uk

If you would like help in completing this checklist or would like to request a change, again contact Lee Green by email or call on 01202 451144.

0.0.Equality Impact Needs Assessment



The Diversity Promise - *Making it Happen!*

Title of Policy/Service/Project	Traffic Regulation Order prohibiting ALL through motor traffic on Byway Open to All Traffic K21 – Yeomans Road
Service Unit	Planning Transport and Regulation
Lead Responsible Officer and Job Title	Sophia O’Sullivan Senior Rights of Way Officer
Members of the Assessment Team:	Sophia O’Sullivan Senior Rights of Way Officer Sarah Hendey
Date assessment completed:	9.12.2013

About the Policy/Service/Project:

What type of policy/service/project is this? (delete as appropriate)

Existing New/proposed **Changing**

What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)

By introducing the Traffic Regulation Order on Yeomans Road (Byway Open to all Traffic) we are able to stop ALL through motor traffic and protect public safety for pedestrians/cyclists and equestrians.

Are there any associated services, policies or procedures?	Yes/No
If 'Yes', please list below:	
List the main people, or groups of people, that this policy/service/project is designed to benefit and any other stakeholders involved?	
Local Residents, Councillors, members of the public, pedestrians, equestrians and cyclists	
Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users?	
Anyone in a vehicle may have to alter their routes, this will include the emergency services, they have been consulted and we have received no objections	

Consultation, Monitoring and Research

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will be need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

Consultation:

What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results?
All local residents/landowners/emergency services/statutory consultees At least 2 of the residents either have themselves or have family members with significant mobility issues. The changes were requested by a mother with a severely disabled son

If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

This path will be monitored and once the TRO is in place and the bollards installed the surface will be improved

Monitoring and Research:

What data, research and other evidence or information is available which is relevant to this EINA?

- Data collated via the consultation process

Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?

If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?

Assessing the Impact

	Actual or potential benefit	Actual or potential negative outcome
Age	The residents ages on this road vary; there are both children and elderly people in occupation. The works will improve all users experience of using the	No perceived impact

	Actual or potential benefit	Actual or potential negative outcome
	path.	
Disability	By reducing the number of vehicles on the path we are improving the travelling experience for individuals. The route will be safer	There is a perception that an un bound surface will be detrimental to an individual's passage on the path. Experience has found that this is an unfounded worry.
Gender	No perceived impact	No perceived impact
Gender reassignment	No perceived impact	No perceived impact
Pregnancy and Maternity	No perceived impact	No perceived impact
Marriage and Civil Partnership	No perceived impact	No perceived impact
Race	No perceived impact	No perceived impact
Religion or Belief	No perceived impact	No perceived impact
Sexual Orientation	No perceived impact	No perceived impact
Any other factor/ groups e.g. socio-economic	No perceived impact	No perceived impact

	Actual or potential benefit	Actual or potential negative outcome
status/carers etc		
Human Rights	No perceived impact	No perceived impact

Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.

If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision:

Action Plan

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- The arrangements for monitoring the actual impact of the policy/service/project

Issue identified	Action required to reduce impact	Timescale	Responsible officer	Which Business Plan does this action link to e.g. Service

				Equality Action Plan/Team Plan
Unbound surface issues	Improve the surface and then monitor the situation.	6-12 months	Sophia O'Sullivan	Planning and Transport