

Merton Council - call-in request form

1. Decision to be called in: (required)

Belvedere Road and Belvedere Grove Experimental Width Restrictions Review

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

| | |
|---|---|
| (a) proportionality (i.e. the action must be proportionate to the desired outcome); | X |
| (b) due consultation and the taking of professional advice from officers; | X |
| (c) respect for human rights and equalities; | X |
| (d) a presumption in favour of openness; | X |
| (e) clarity of aims and desired outcomes; | X |
| (f) consideration and evaluation of alternatives; | X |
| (g) irrelevant matters must be ignored. | |

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

| | |
|---|---|
| (a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. | X |
| (b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework | |
| (c) The Panel/Commission to decide not to refer the matter back to the decision making person or body * | |
| * If you select (c) please explain the purpose of calling in the decision. | |



4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

There is a long history to this issue and the Cabinet's Member's decision is not proportionate to the desired outcome nor to the considerable time, effort and money that has been spent getting to this point.

The Council has previously agreed that something should be done to try and bring the matter to a satisfactory conclusion and, as such, devised two schemes that subsequently unravelled. However, the report and the Cabinet Member's decision appear now to conclude that 'it is all too difficult' and that the experiment should be dismantled with no firm commitment given on any further actions to meet the Council's original commitment.

We do not believe this is acceptable and neither do a significant number of residents within the area affected. Wimbledon Common and the railway continue to restrict traffic routes in the vicinity. Nothing material has changed to suggest that traffic volumes and speeds are no longer a significant problem in the Belvedere roads and it therefore remains the case that something should be done. Our view throughout has been that the Council should seek to keep these roads available to local people but less attractive to through traffic i.e. the Belvedere roads should be porous enough for the short trips that local people make but a less attractive cut-through for commuters.

The past ten years or so have been fraught with tension over this issue. It is not therefore unreasonable for residents to expect that the Council should have produced something that was generally acceptable rather than simply ceasing to pursue the matter any further. The recent experiment took us close to this goal (largely as a result of changed expectations) and – together with ward councillors - the Council should be building on that.

This is not the time to stop but rather it is the time to redefine expectations. After over ten years of discussion, there is now a more general acceptance

of a compromise solution than ever looked likely a few years ago.

Whilst we welcome the references in the Cabinet Member's Decision Notice to 'consider junction entry treatments' and 'to look at the introduction of a 20mph zone across this area', neither of these come with any timescale attached and both are subject to funding being made available, to which there is no commitment. These are significant caveats and provide no guarantees to which the Council can be held to account.

It is unclear from the Decision Notice how the Cabinet Member's decision not to consider further traffic measures in the immediate future can be justified given that the report states that approximately £900,000 has been spent since 2007 on pursuing a solution. To do nothing when an acceptable resolution is potentially within reach would mean that the money already spent had not offered value for money to Merton's council taxpayers.

(b) due consultation and the taking of professional advice from officers;

We note from the consultation results that a number of those stating they are against the width restrictions did so at the very outset (June 2015) when 'planter boxes' were being used to restrict the width. Whilst these are of course valid representations, it is not clear from the officers' report whether the subsequent use of posts may have affected these respondents' judgement on effectiveness.

At this point, there has also been no consultation at all with residents living in the streets affected on either point 2) or point 4) under part 6) of the Decision Notice, namely junction entry treatments and the introduction of a 20mph zone.

(c) respect for human rights and equalities;

There is no analysis provided in the report on the impact of the removal of both experimental width restrictions on vulnerable residents within the borough, and in particular the safety of children and young people. There is no evidence in the report that the Cabinet Member has given this due consideration when making his decision.

Para 8.1 of the report states that 'the width restrictions have had an impact on the wider community through displaced traffic and congestion'. However, there is no reference to the impact of removing the width restrictions.

(d) a presumption in favour of openness;

In the absence of the Street Management Advisory Committee being able to consider this in public and provide recommendations to the Cabinet Member, it is difficult to argue that this has been an entirely open and transparent process. Ward councillors in Hillside and Village have been frequently contacted by residents in and around the area affected by the experimental width restrictions precisely because there has been a lack of information forthcoming from the Council on what is happening.

Officers recommend at F) in their report that the Cabinet Member should agree 'to exercise his discretion not to hold a public inquiry on the consultation process'. Yet the key decision published by the Cabinet Member makes no mention of a public inquiry so it is not clear whether one is planned or not.

It would seem to us that a public inquiry would be entirely appropriate in these circumstances, particularly given the absence of democratic input from the Street Management Advisory Committee following its abolition.

(e) clarity of aims and desired outcomes;

There is a lack of clarity within both the report and at section 7) of the Decision Notice about the damage to the bollards constructed as part of the experimental with restrictions. The Cabinet Member gives as a reason for his decision 'the continuing damage to bollards as a result of the width restrictions bollards and the resources used to repair the damage'.

Yet at para 3.8 of the report, it states 'the problems with width restrictions in terms of damage and violations experienced here are not unique to this area and are experienced across all width restrictions'. This seems contradictory to the reason above given by the Cabinet Member for removing the width restrictions at Belvedere Road and Belvedere Grove. The logic of this statement that it is unsustainable to continue repairing the bollards is surely that no further width restrictions would be introduced anywhere in the borough in the future and that the existing ones would be removed. Yet this is presumably not what the Cabinet Member is proposing and it is difficult to understand why this is therefore used as a primary reason for removing the experimental width restrictions.

There is also a lack of clarity in the report and Decision Notice about what Belvedere Road and Belvedere Grove will look like after the experimental width restrictions are removed. There is no officer recommendation on this so presumably it was the officers' intention to leave a decision on that to the Cabinet Member? However, there is also no clarity on this provided by the Cabinet Member's Decision Notice. Will the road layout therefore revert to its original arrangement i.e. how it was before the features were introduced? Will any parking bays that were removed as part of the

experimental width restrictions be reinstated? These are questions that residents will wish to understand.

(f) consideration and evaluation of alternatives;

We are disappointed by the Council's decision effectively to do nothing when there are clearly other options available. We met both with officers and the relevant Merton Cabinet Member in August 2016 to look at alternative outcomes and we do not believe they have been given due consideration. This can be evidenced by paragraph 4.5 of the report which states that 'officers consider this particular project closed'.

We believe it is important that the Council remains engaged with finding an appropriate solution to on going concerns with traffic in the Belvederes. There was clearly an opportunity here for further enhancements to a scheme that, although not loved by all, was seen by most respondents to the consultation as proportionate and beneficial. A key element of this would be the maintenance of an appearance that inhibits through traffic.

Sufficient weight has not been given by the Council to the benefits of ending this longstanding problem, particularly given that it has been made worse in part by protective measures implemented by the Council elsewhere in the borough. We therefore consider there is an onus on the Cabinet Member to continue to explore options that would be satisfactory to the area.

As stated in the ward councillors' representation at page 39 of the report, we have asked officers to investigate further the way in which problems with the existing scheme could be ameliorated without having any further adverse impact on neighbouring roads. Yet the report provides no evidence that any such investigations have taken place and the results presented to the Cabinet Member for consideration.

At the very least we would want to see some road treatment(s) that emphasise that the Belvedere roads are a gateway to an area of homes and schools and not just a link through it to other distributor roads. That is why we have proposed to the Cabinet Member a raised platform and potentially a narrowing of the roads with some sort of visible reminder/illustration that they are residential e.g. a 'build out'. However, the Cabinet Member's decision does not commit the funding necessary for the installation of such measures.

The identified need to do something about traffic and pedestrians in Church Road (regardless of whether or not the experimental width restrictions are removed) is also not recognised or addressed in the report.

From a Hillside perspective, there is no reference in the Cabinet Member's Decision Notice to consideration having been given to further investigations or measures to address traffic volumes in Woodside.

Finally, despite Paul McGarry indicating he was willing to do so at a meeting with ward councillors in October 2015, there is no evidence in the report that the Council has considered Ridgway Place traffic issues as part of its review of the Belvedere width restrictions.

5. Documents requested

All papers provided to the Director of Environment and Regeneration/Director of Corporate Services/Chief Executive and relevant current and former Cabinet Members prior to, during and subsequent to the decision making process on the Belvedere Road and Belvedere Grove experimental width restrictions.

All emails, reports and associated documentation relating to the decision on the experimental width restrictions provided to the relevant Cabinet Members (both current and former), Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

Meeting notes of all meetings between officers and Cabinet Members (current and former) on the experimental width restrictions and any other traffic proposals previously or currently under consideration for the wider area.

All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers on the experimental width restrictions and any other traffic proposals previously or currently under consideration for the wider area.

Any papers/correspondence/reports/analysis to do with safety in the roads in and around 'The Belvederes'.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for the wider area.

The detailed financial analysis of the projected costs of a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for the wider area.

The detailed risk analysis in relation to a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for the wider area.

6. Witnesses requested

Cllr Martin Whelton, Cabinet Member for Regeneration, Environment and Housing

Chris Lee, Director of Environment and Regeneration

Paul McGarry, Head of Future Merton

Mitra Dubet, Future Merton Commissioning Manager

Representatives from residents associations in the area(s) potentially impacted by this decision, and in particular:

- Belvedere Estates Residents' Association (BERA)
- New Belvedere Estates Residents' Association (New BERA)
- Wimbledon East Hillside Residents' Association (WEHRA)
- Murray Road North Residents' Association
- Ridgway Place Residents' Association
- Parkside Residents' Association
- Community of Woodside Area Residents' Association (CWARA)
- Burghley Road and Somerset Road Action Group

7. Signed (not required if sent by email):



Cllr Hamish Badenoch



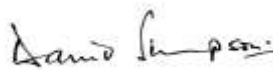
Cllr John Bowcott



Cllr Najeeb Latif



Cllr Daniel Holden



Cllr David Simpson



Cllr David Williams

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 8th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864