CORPORATE SERVICES DEPARTMENT

Director - Caroline Holland



Democracy Services London Borough of Merton Merton Civic Centre London Road Morden SM4 5DX

Direct Line: 0208 545 3357

Email: democratic.services@merton.gov.uk

Date: 6 November 2020

Dear Councillor

Notification of a Decision taken by the Cabinet Member for Regeneration, Housing and Transport

The attached non-key decision has been taken by the Cabinet Member for Regeneration, Housing and Transport with regards to:

Proposed waiting restrictions Borough wide 2021 Batch 3 (statutory consultation)

and will be implemented at **noon** on **Wednesday 11 November 2020** unless a call-in request is received.

The <u>call-in</u> form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

Amy Dumitrescu Democracy Services

NON-KEY DECISION TAKEN BY A CABINET MEMBER UNDER DELEGATED AUTHORITY

1. Title of report

Proposed waiting restrictions borough wide 2021 Batch 3 (statutory consultation)

2. Reason for exemption (if any)

3. Decision maker

Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport

4. Date of Decision

6 November 2020

5. Date report made available to decision maker

19 October 2020

6. Decision

The purpose of this report is to seek Cabinet Member approval to undertake a statutory consultation to introduce waiting restrictions in roads identified in the table below. Plans showing the extent of the restrictions are attached in Appendix 1:

Site/Location	Drawing No.
Veals Mead	Z27-683-01
Walton Way	Z27-683-02
Worcester Close	Z27-683-03
Cedars Avenue	Z27-683-04
West Barnes Lane	Z27-683-05
Garth Road (Various)	Z27-683-06
Wandle Road	Z27-682-08
Ebenezer Walk	Z27-683-09
Mawson Close	Z27-680-01
Prince Georges Road	Z27-662-02
Morden Road	Z27-682-08
Cecil Place	Z27-682-10
Martin Way	Z27-682-11
Lower Morden Lane	Z27-683-10

7. Alternative options considered and why rejected

Do nothing. This would be contrary to the concerns and requests received from the local communities and will do nothing to address representations received particularly in terms of dangerous and obstructive.

8. Declarations of Interest

None

9. Signature

Cllr Martin Whelton 6 November, 2020

10. Publication of this decision and call in provision

Send this form and the officer report* to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.

IMPORTANT – this decision should not be implemented until the call-in period has elapsed.

Notes

1 Title of report

You must complete an officer report for any non-key Cabinet member decision just as if the report was going to Cabinet. Use the standard Committee report template and change the first heading 'Committee' to 'Cabinet Member'.

2 Reason for exemption (if any)

Rules regarding exempt information are the same as for Committee reports. Exempt information should be published in a separate appendix where possible. Where this is not possible the whole report will need to be exempt and the reason for exemption should be shown on the decision form. A reason for exemption must also be given in the report. If the decision form contains exempt information a redacted copy for publication must be made available. (Constitution part 4B Section 10)

3 Reason for exemption (if any)

Decision maker

The title of the Cabinet member making the decision. Currently (2 April 2009) only the Cabinet Member for Environmental Sustainability and Regeneration has a delegated authority to make individual decisions.

4 Date of Decision and 5 Date report made available to decision maker

You should advise the decision maker to allow five clear normal working days* between the receipt of the report and taking the decision. This shows that they have given due consideration to the issues.

* Clear days exclude the days of publication and decision

6 Decision

Record the proposed action and advise the decision maker to make any amendments here.

Error! Reference source not found. Error! Reference source not found.

If the reason for the decision is entirely contained in the officer report then you can say so. If there are reasons which are not included in that report – for example if the recommendations are rejected in favour of another course of action – then this reasoning should be shown here.

7 Alternative options considered and why rejected

The report should have examined alternative options and given reasons for rejection of these or it may have presented alternative options with an either/or option. The decision maker may reject the recommendations in

the report in favour of another course of action in which case the recommendations themselves were a possible alternative and a reason for their rejection should be explained. Doing nothing is an alternative option that should be considered.

0 This would be contrary to the concerns and requests received from the local communities and will do nothing to address representations received particularly in terms of dangerous and obstructive.

This may be any document which does not form part of the report or its appendices but which contains relevant information. For example, an Act of Parliament, Statutory Guidance issued by a Government Minister or some other public domain document. If the documents are part of the Council's records consider whether to produce them or excerpts from them as part of the report or an exempt appendix.

8 Declarations of Interest

If the decision maker has an interest it must be declared. Not all interests will preclude the decision maker from proceeding but failing to declare an interest could be a breach of the Members Code of Conduct. Check with the Monitoring Officer for further advice.

(Constitution Part 5A)

9 Signature

CIIr Martin Whelton

6 November, 2020

Publication of this decision and call in provision

The decision cannot be enacted until noon on the third working following publication to allow time for a possible call-in. Check with Democratic Services for the publication date.

If the decision is called in by the deadline the decision cannot then be acted upon until the rest of the call-in procedure has been completed.

(Constitution Part 4E Section 16(c) & (d))

If the decision is urgent and cannot be delayed for the call-in procedure to be completed please contact Democratic Services regarding the call-in and urgency procedure.

(Constitution Part 4E Section 17)

IF YOU GET STUCK – phone Democratic Services on 0208 545 3616

Cabinet Member for Regeneration, Housing and Transport:

Date: 19th October 2020

Agenda item:

Wards: Borough Wide.

Subject: Proposed Borough Wide Waiting Restrictions – Statutory consultation

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and

Transport

Forward Plan reference number: N/A

Contact Officer: Paul Atie, Tel: 020 8545 3337

Email: mailto:paul.atie@merton.gov.uk

Recommendations:

The purpose of this report is to seek Cabinet Member approval to undertake a statutory consultation to introduce waiting restrictions in roads identified in the table below. Plans showing the extent of the restrictions are attached in Appendix 1:

Site/Location	Drawing No.
Veals Mead	Z27-683-01
Walton Way	Z27-683-02
Worcester Close	Z27-683-03
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Wandle Road	Z27-682-08
Ebenezer Walk	Z27-683-09
Mawson Close	Z27-680-01
Prince Georges Road	Z27-662-02
Morden Road	Z27-682-08
Cecil Place	Z27-682-10
Martin Way	Z27-682-11
Lower Morden Lane	

1. INTRODUCTION

- 1.1 The purpose of this report is to seek approval to undertake a statutory consultation to introduce waiting restrictions and parking bays in the roads listed in the above table. Plans showing the extent and nature of the restrictions are attached in Appendix 2.
- 1.2 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from general road users including emergency services, local ward members and the local residents. Due to the large number of requests that

are received throughout the year, it has been necessary to group these requests with the intention of undertaking a borough wide statutory consultation in batches. Each request is added to a rolling programme for investigation and the appropriate proposals and recommendations to the Cabinet Member are formulated in one report.

- 1.3 Over the last year there have been requests/demands for double yellow lines at specific locations throughout the borough. The majority of the complaints relate to vehicles parking close to/at junctions or communal access points, obstructing sightlines and making it difficult and hazardous for vehicles to enter and exit side roads safely. Concerns have also been expressed over emergency vehicle and the Council's refuse vehicles access being obstructed by inconsiderate parking. Additionally, complaints are also received from pedestrians where vehicles park on the footway causes access difficulties.
- 1.4 These requests are prioritised by taking into account the location, accident statistics, site observations, level of access difficulties, speed limit and local environmental amenities and associated activities.
- 1.5 In light of these requests, each site has been investigated to determine the extent of the appropriate measure. Every attempt is made to minimise the proposed restrictions without compromising access and safety. For details of the restrictions please refer to appendices 1.

2 BACKGROUND

- 2.1 It is the policy of the Council to improve the environment by making it safer for all road users (motorists and pedestrians). One way this can be achieved is by regulating the number of parked vehicles in an area, particularly at key locations such as at junctions, narrow roads, cul de sacs and at bends. The aims of the proposed double yellow lines waiting restrictions are to improve visibility and to provide clear access for all road users, particularly for vulnerable road users such as pedestrians, push chairs and wheelchair users who for example may wish to make proper use of the section of dropped kerb at junctions.
- 2.2 When considering road safety, S.122 of the Road Traffic Regulation Act 1984 places a duty on the Council "to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway" when exercising any of its functions under the 1984 Act. Road safety is therefore a matter that the Council should have proper regard to when considering whether to make an Order under S.6 of the 1984 Act.
- 2.3 The Highway Code stipulates that motorists should not park within 10 metres of a junction. The failure by a person to observe any provision of the Highway Code does not in itself render that person liable to criminal proceedings, such a failure may though be relied upon by any party to proceedings (whether civil or criminal) in order to establish or negate liability (s.38 (7) Road Traffic Act 1988). Although a failure to observe the Code does not then itself amount to a criminal offence, and neither does it create a presumption of negligence, a breach of the code may as a matter of fact amount to strong evidence to prove lack of proper driving. Given that not stopping within 10 metres of a junction or on a bend is an express provision of the Code it is of relevance when considering road safety in this area.

3 PROPOSALS

- 3.1 The following sites have been investigated based on concerns and complaints received. Given the nature of concerns it is considered that the proposals detailed below and as shown on attached plans will improve access, safety and sightlines. It is recommended that a statutory consultation be undertaken for the introduction of the proposed waiting restrictions. The proposals are shown on the attached plans in Appendix 1.
- 3.2 Ward Councillors will be provided with copies of the proposals and will be forwarded a copy of the newsletter (where appropriate) prior to the start of the statutory consultation. Given the nature of some of the locations and to remain cost effective not all proposals would be subject to a newsletter.

4 Locations

4.1 Veals Mead

Veals Meads has a footway width of between 1 and 1.5 metre and the carriageway width is 5 metres. All properties in this road have at least 1 off street parking the Council has received a representation from a local residents through her local Ward Councillor regarding obstructive parking. She has highlighted that when cars are parked on corners and on both sides of the carriageway there is not enough room for emergency and service vehicles to pass by safely. We have also received complaints of missed refuse collection due to parked vehicles. It is therefore proposed to introduce 'At any time' waiting restrictions on sections of the carriageway. This will allow safe access particularly for emergency vehicles; refuse /service vehicles and pedestrians. The proposals are shown on the attached plans in Appendix 1.

4.2 Walton Way

Walton Way has a carriageway width of 4.9m with 1.4m wide footway on both sides and therefore cannot accommodate parking on the footway or on both sides of the carriageway. The Council has received a representation from a local resident regarding obstructive parking at its junction with Manor Road, making it difficult to see an oncoming vehicles.

Additionally, given the narrow nature of the road, it is necessary to introduce double yellow lines on the western side of the road and the cul de sac.

Also, at its junction with Manor to protect the junction. The proposed waiting restrictions will allow and maintain safe access particularly for emergency vehicles; refuse /service vehicles and pedestrians. The proposals are shown on the attached plans in Appendix 1.

4.3 Wandle Road

The Council received a representation from a local Ward Councillor requesting the existing double yellow lines in Wandle Road close to its junction with Morden Road be extend. When temporary parking restrictions were put in when some pavement resurfacing work was going to take place. Residents reported a big improvement to traffic flow. The usually bottle neck caused by inconsiderate parking on the left hand side of the Wandle Road, on the approach to Morden Road. Being aware of such inconsiderate parking on this section of the carriageway and the delay to existing bus services and other traffic. The proposed waiting restrictions will improve the flow of traffic at its junction with Morden Road especially with Bishopsford Road being closed to through traffic. The proposals are shown on the attached plans in Appendix 1.

4.4 Worcester Close

Worcester Close has a carriageway width varying between 5 metres and footway width of 1.1m and 1.3m wide footway respectively. There are existing double yellow lines at the cul de sac and also at its junction with Acacia Road. The Council has received representations from a local resident regarding obstructive partial footway parking which does not leave room for wheel chairs, parents with prams and pedestrians to walk. To ensure safety and access, it is proposed to introduce 'At any time' waiting restrictions along one side of the carriageway as shown on plan in appendix 1.

4.5 Cedars Avenue

The Council has received representations from a resident via the local MP regarding obstructive parking close to the junction in New Holme. To remove this obstructive parking and ease access for refuse vehicles, it is proposed to introduce 'At any time' waiting restrictions as shown on the plan attached as appendix 1.

4.6 **Mawson Close**

The Council has received a representation from a resident via the Leader of the council requesting yellow line restrictions to address the obstructive parking in Mawson Close that is generating access and safety concerns. Vehicles are parking partially on the footway and on the centre green. Currently vehicles park partially on the footway on both sides that is causing a degree of an obstruction to pedestrians. If vehicles were to park fully on both sides of the carriageway, this would impede access for large vehicles especially emergency services and refuse vehicles. Mawson Close has a carriageway width of 6.2m with 2.5m wide footway on both sides (most properties have crossovers). It is proposed to introduce a regulated partial footway parking along sections of the road and 'At any time' waiting restrictions along sections of the road and around the centre green so that parking would not impact on access and safety. Please see attached plan in appendix 1

4.7 Ebenezer Walk

The Council has received representations from a resident via the local MP regarding obstructive parking at the cul de sac of Ebenezer Walk. Ebenezer Walk has an average carriageway width of 5m and the south side has a footway width of 1.5m and the north side is concreted to allow access to the rear garages of residents of Grove Road. However, vehicles are being parked in across the access to the garages and some double park which does not leave enough road for other vehicles to access the road. The manner of parking therefore, has an adverse impact on safety and access as emergency services would not be able to gain access; it also impacts refuse vehicles as well as other service vehicles. Being aware of such safety risks, the Council cannot allow carriageway and footway obstruction to continue. The proposed waiting restrictions will ensure safety and access for pedestrians and motorists at all times. Please see attached plan in appendix 1.

4.8 West Barnes Lane

The Council has received representations from a resident requesting yellow line restrictions to address the obstructive parking at the entrance to 356 West Barnes Lane. It is, therefore, proposed to introduce 'At any time' waiting restrictions (double yellow lines) at this junction. This will ensure improved sightlines, access and safety for pedestrians and other road users. Please see attached plan in appendix 1.

4. 9 Garth Road, various locations

The Council has received representation from residents and businesses requesting waiting restrictions to address the obstructive parking at the entrances to various of business units and other parts of the road which restricts access and delay deliveries to the businesses. It is, therefore, proposed to introduce 'At any time' waiting restrictions (double yellow lines) at various part of the road. This will ensure improved sightlines, access and safety for pedestrians and other road users. Please see attached plans in appendix 1.

4.10 Prince Georges Road.

The Council received representations from a business and also through the MP requesting for additional yellow lines on Prince George's Road. The business has been experiencing access issues for articulated vehicles making deliveries to the premises, because of the amount of cars parked on both sides of the road, the lorries are not able to negotiate the road. This problem has led to abortive deliveries and had to pay again to have the goods delivered. The manner of parking therefore, has an adverse impact on safety and access as emergency services would not be able to gain access; it also impacts refuse vehicles as well as other service vehicles. Being aware of such safety risks, the Council cannot allow this manner of parking to continue. The proposed waiting restrictions will ensure safety and access for motorists at all times. Please see attached plan in appendix 1.

4.11 Morden Road

The Council has received representations from a local business based in Morden Road that all day free parking on Morden Rd is occupied by long term parking that is adversely restricting the essential loading/unloading activities thereby impacting on the operation of the business.

According to the Public House, deliveries are made on Mondays. It is, therefore, proposed to introduce restricted hours along a section of the road immediately outside the Public house on Mondays between 8.30 and noon, no parking would be permitted – this will allow for unloading activities; after this period, parking will be permitted on Mondays between noon and 6.30pm for a maximum stay of 4 hours with no return within 2 hours. Restricted parking will also be permitted between Tuesdays and Saturdays between 8.30am and 6.30pm for a period of 4 hours, no return within 2 hours. For the remaining road space so as to prevent all day parking and maximise available parking for customers and visitors, it is proposed to allow parking Mon-Sat between 8.30am and 6.30pm, maximum stay 4 hours with no return within 2 hours. Please see attached plan in appendix 1.

4.12 Cecil Place

The Council has received representations from a resident regarding obstructive parking in Cecil Place. Cecil Place is a cul-de-sac that has a carriageway width of 3.9m with 1.4m wide footway on both sides. Obstructive parking on the footway and on the carriageway especially around the bends has an adverse impact on pedestrian safety and access as emergency services would not be able to gain access; it also impacts refuse vehicles as well as other service vehicles. Vehicles parked in this section of the road completely block the footway forcing pedestrians to walk in the

carriageway. Being aware of such safety risks, the Council cannot allow inconsiderate parking on carriageway and footway to continue. The proposed waiting restrictions will allow safe access for all road users.

4.13 Martin Way

The Council has received representation via a Ward councillor from a business based on Martin Way that the available kerbside space is routinely occupied long term by commuters using the nearby train station. This restricts customer parking and deliveries to this parade of shops. It is, therefore, proposed to allow parking Mon-Sat between 7am-7pm for a max stay of 2 hours no return within 1 hour. Please see attached plan in appendix 1.

4.14 Lower Morden Lane

The Council has received representation requesting implementation of parking restrictions on Lower Morden Lane. There is an increase of early morning parking on Lower Morden Lane at the junction of Garth Road. Vehicles are parked both fully ans partially on the footway as a result pedestrians are not able to use the footway. These drivers are causing much disruption to the flow of traffic on the road for local residents in the early hours and for mourners and visitors to the cemeteries throughout the day. The request is to implement a yellow lines on the pavement side of the road so pedestrians and road users can safely see and use the road safely especially as the road is subject to high traffic and industrial traffic, and that there are local schools & parks which families use. The additional yellow lines should be placed so that they join up the yellow lines at the junctions of both cemeteries. Being aware of such safety risks, the Council cannot allow inconsiderate parking on carriageway and footway to continue. The proposed waiting restrictions will allow safe access for all road users.

5 ALTERNATIVE OPTIONS

5.1 Do nothing. This would be contrary to the concerns and requests received from the local communities and will do nothing to address representations received particularly in terms of dangerous and obstructive.

6 LEGAL IMPLICATIONS & STATUTORY PROVISION

6.1 The Traffic Management Orders would be made under Section 6, of the Road Traffic Regulation Act 1984 (as amended). The Council is required by the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 to give notice of its intention to make a Traffic Order (by publishing a draft traffic order). These regulations also require the Council to consider any representations received as a result of publishing the draft Order.

7 STATEMENT OF REASONS

- 7.1 The proposed measures will improve safety for all road users by ensuring clear visibility and access at all times particularly for the emergency vehicles. The proposed waiting restrictions will provide clear access for all road users, particularly vulnerable road users such as pedestrians, push chairs and wheelchair users who for example may wish to make proper use of the section of dropped kerb at junctions. Some of the proposed restricted parking facilitate the loading / unloading / customer parking needs of the local businesses.
- 7.2 It would be irresponsible of the Council to ignore the manner of obstructive parking that is currently taking place. The Council has duty of care to ensure the safety of all

road users and to maintain access at all times, particularly for the public service vehicles and the emergency services.

7.3 The Council also makes every effort to facilitate the needs of local businesses.

8 HUMAN RIGHTS & EQUALITIES

- 8.1 The Council carries out careful consultation to ensure that all road users are given a fair opportunity to air their views and express their needs. The parking needs of the residents and visitors are given consideration but it is considered that maintaining safe access must take priority.
- 8.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.
- 8.3 The implementation of waiting restrictions affects all sections of the community especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor for London and the borough.
- 8.4 By maintaining clear access points, visibility will improve thereby improving the safety at junctions; bends and along narrow sections of a road and subsequently reducing potential accidents.
- 8.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

9 RISK MANAGEMENT IMPLICATIONS

9.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to all road users and to the residents, in the case of an emergency, and access difficulties will not be addressed. It would also be contrary to the concerns expressed and could lead to loss of public confidence in the Council. It could also place the Council at risk for not exercising its duties in ensuring safety and access. 9.2 The risk of introducing the proposed restrictions could lead to possible extra pressure on the current parking demand. However, the proposals will address safety concerns by improving access and visibility for both all road users which outweigh loss of parking.

10 FINANCIAL IMPLICATIONS

10.1 To introduce the proposed restrictions will cost approximately £7,000. This includes the making of The Traffic Management Orders and the road markings. The cost of this proposal can be met from the Environment and Regeneration revenue budget for 2020/2021 which contains a provisional budget for Parking Management schemes.

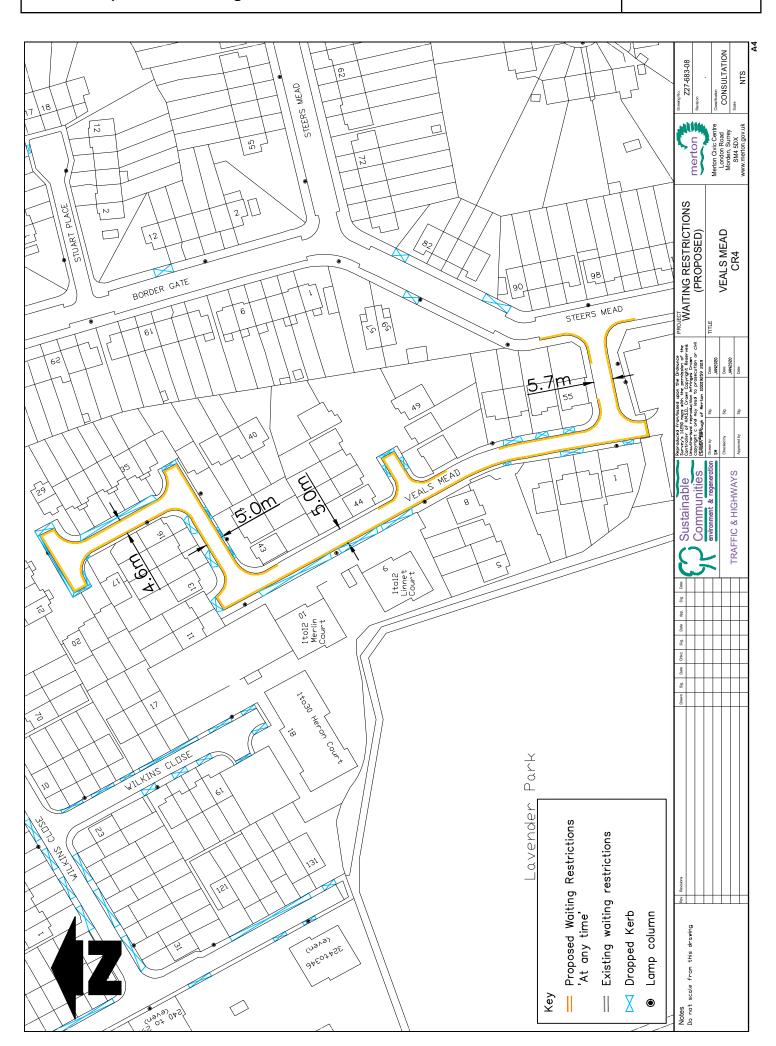
11 TIMESCALES

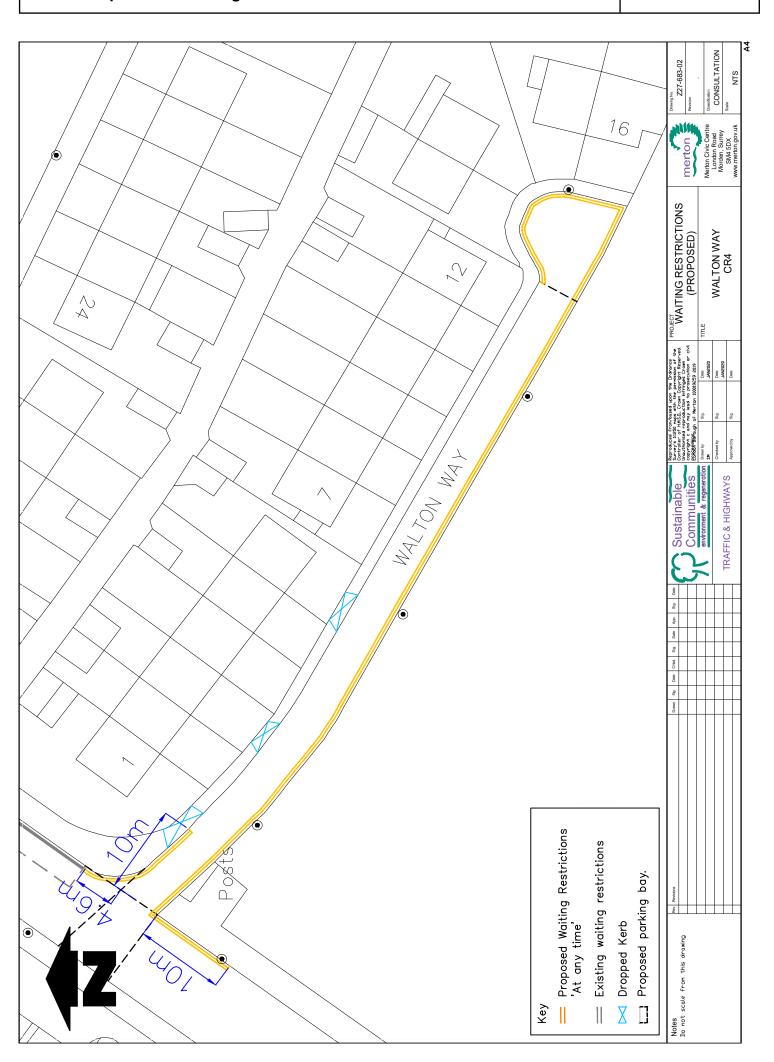
11.1 If a decision is made to proceed, the statutory consultation will be carried out soon after. The Council's intentions will be published in the London Gazette and The Wimbledon Times. Notices will also be erected on lamp columns within the vicinity of the proposed restrictions. The documents will be made available at the Link, Civic Centre and on the Council's website.

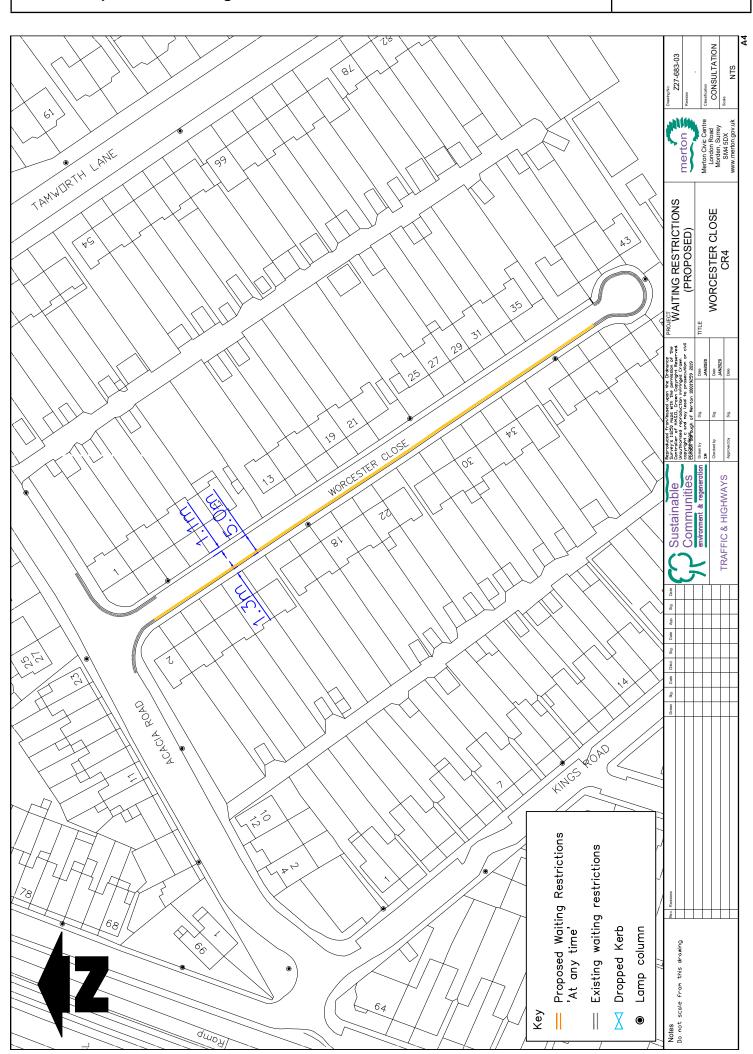
12 APPENDICES

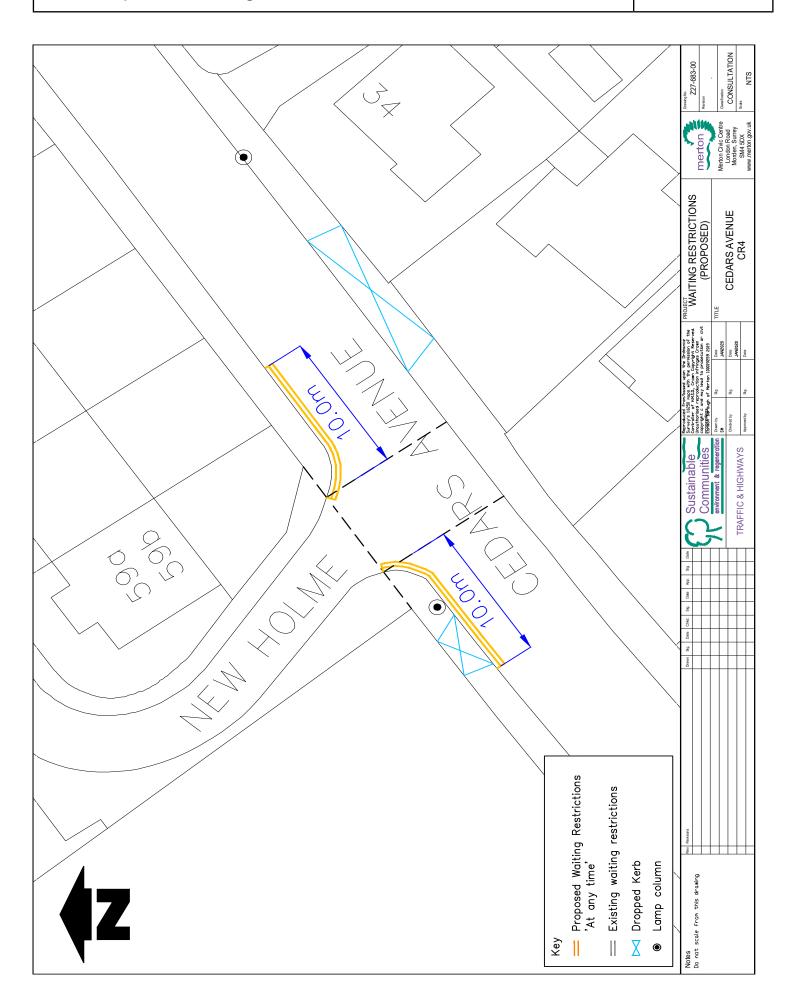
12.1 The following documents are to be published with this report and form part of the report

Appendix 1 – Location of restrictions & Drawings of proposals

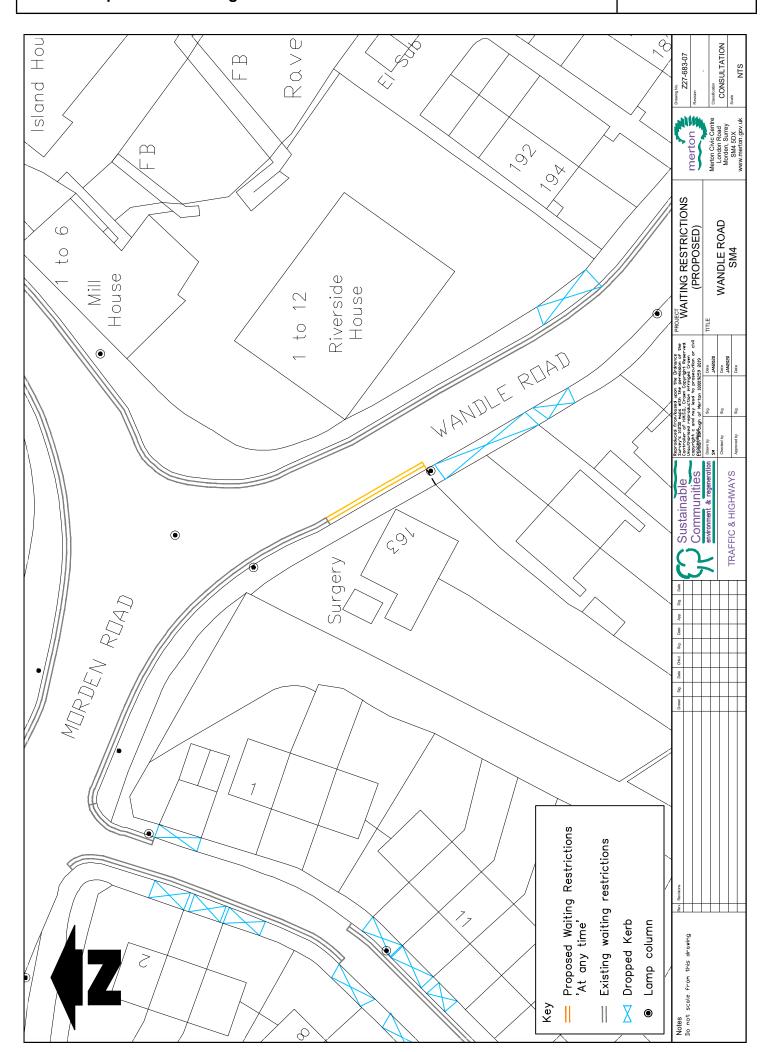


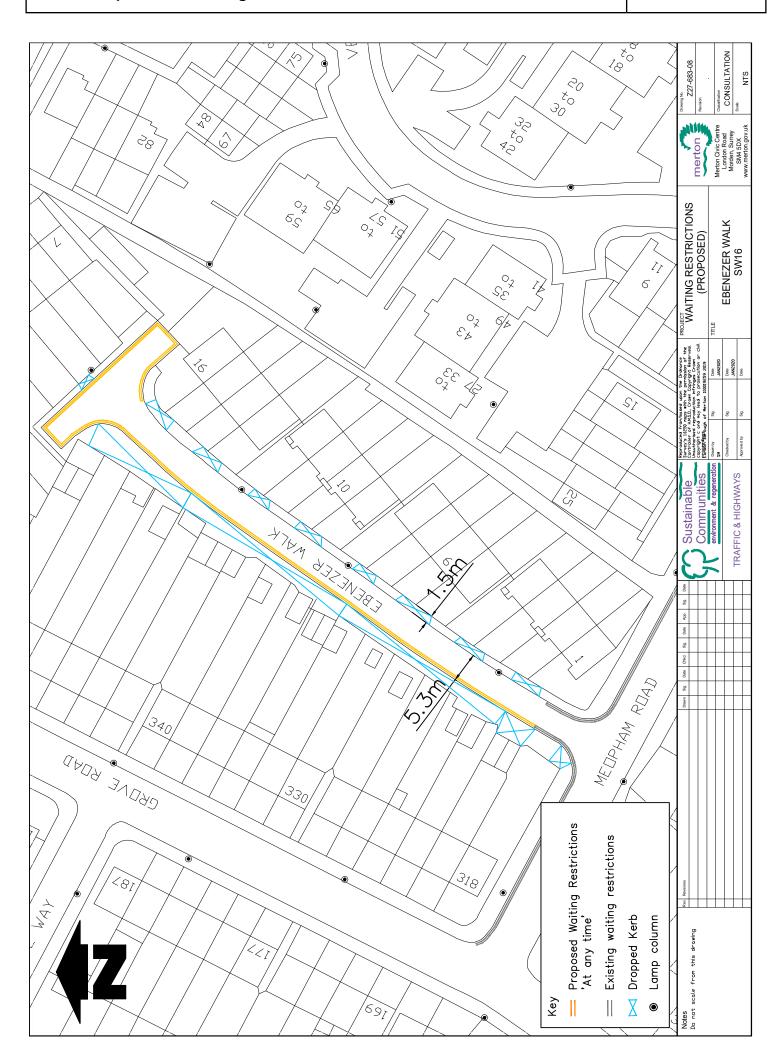


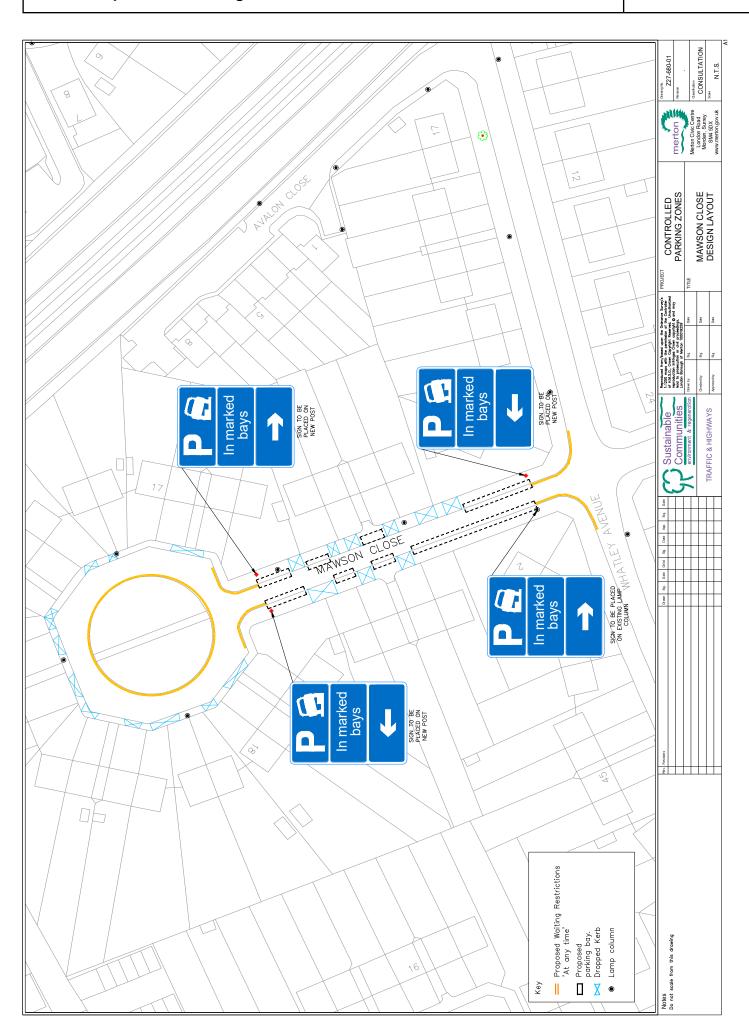


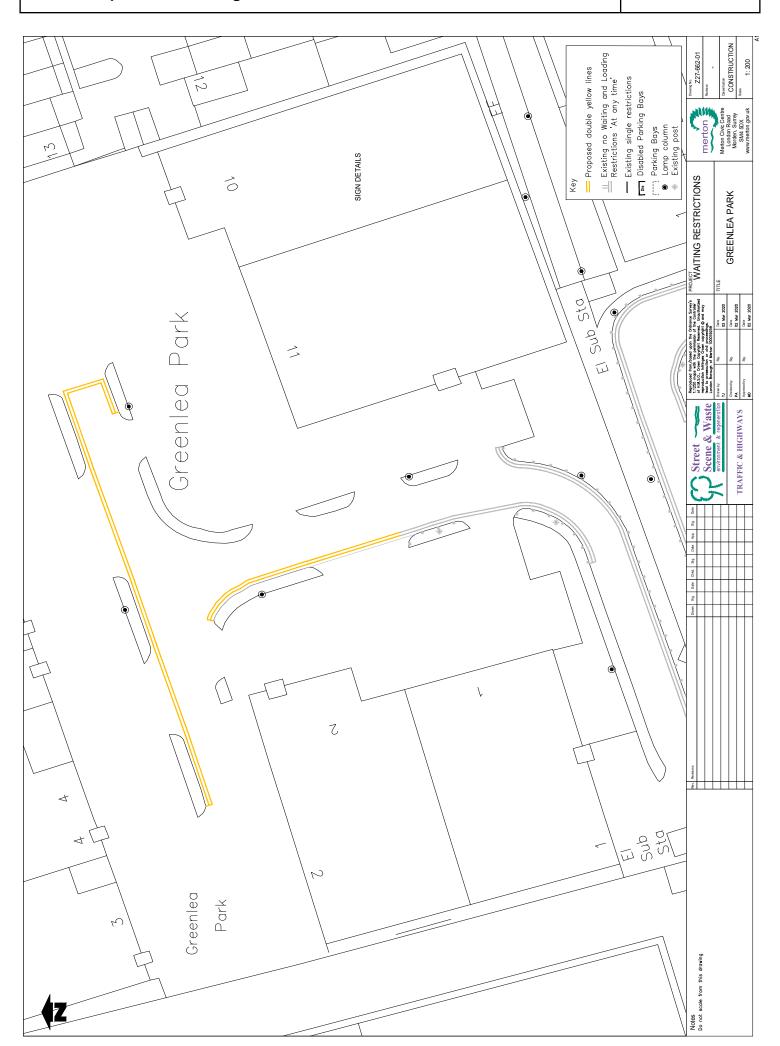


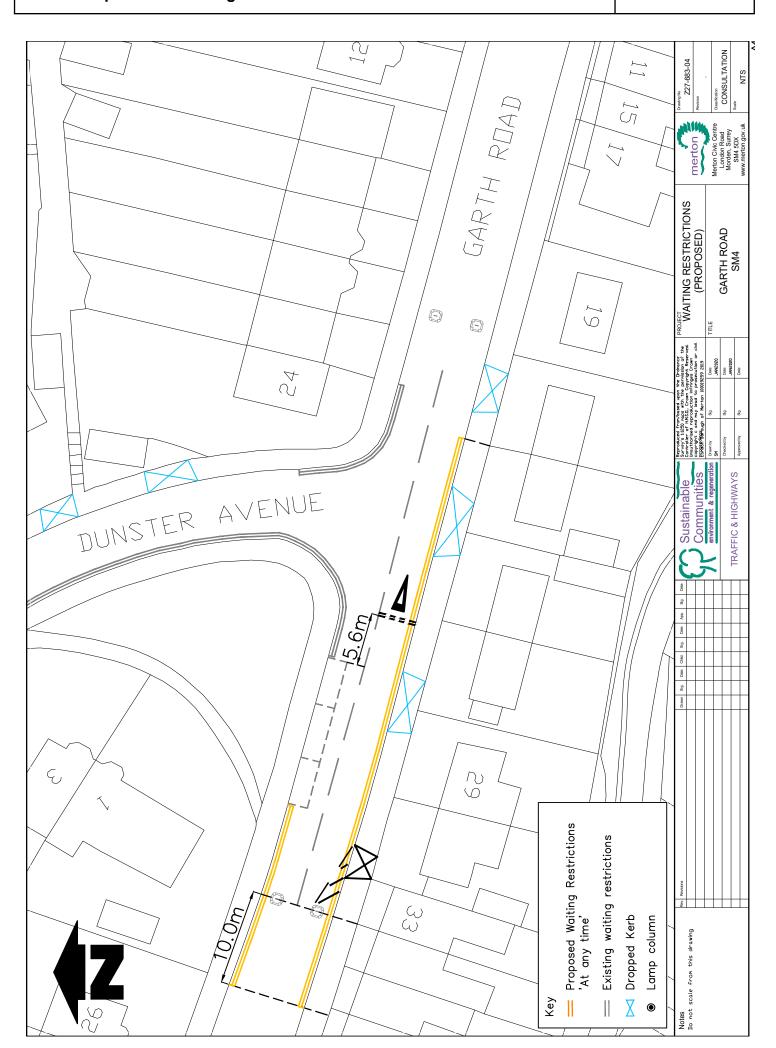
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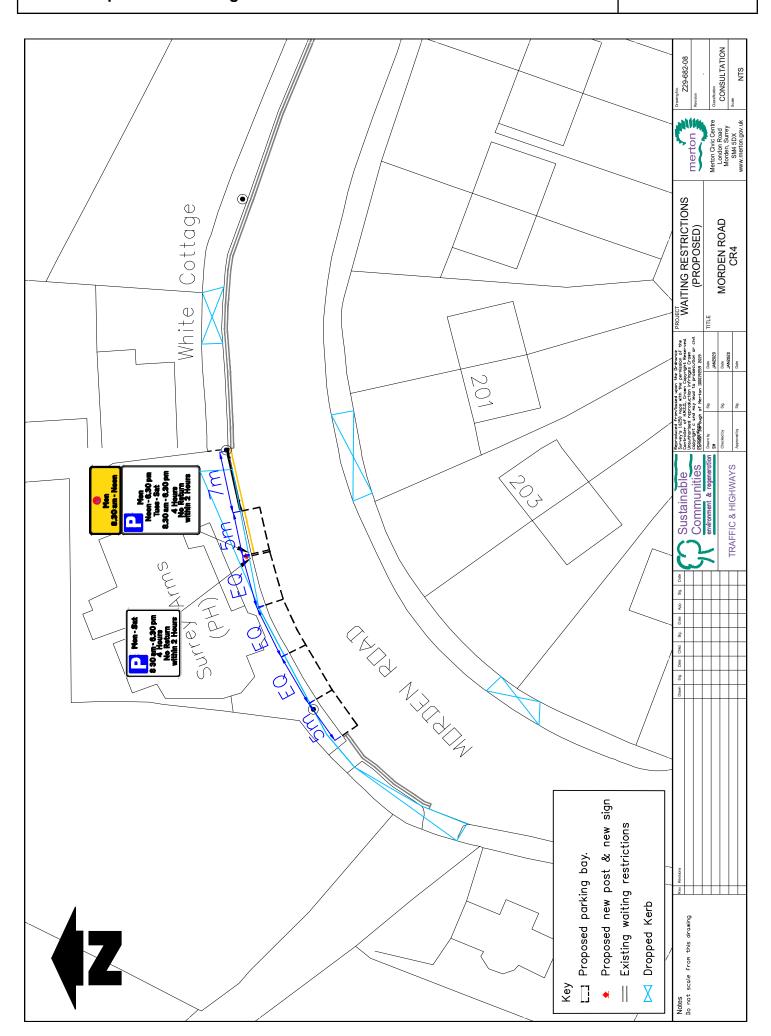


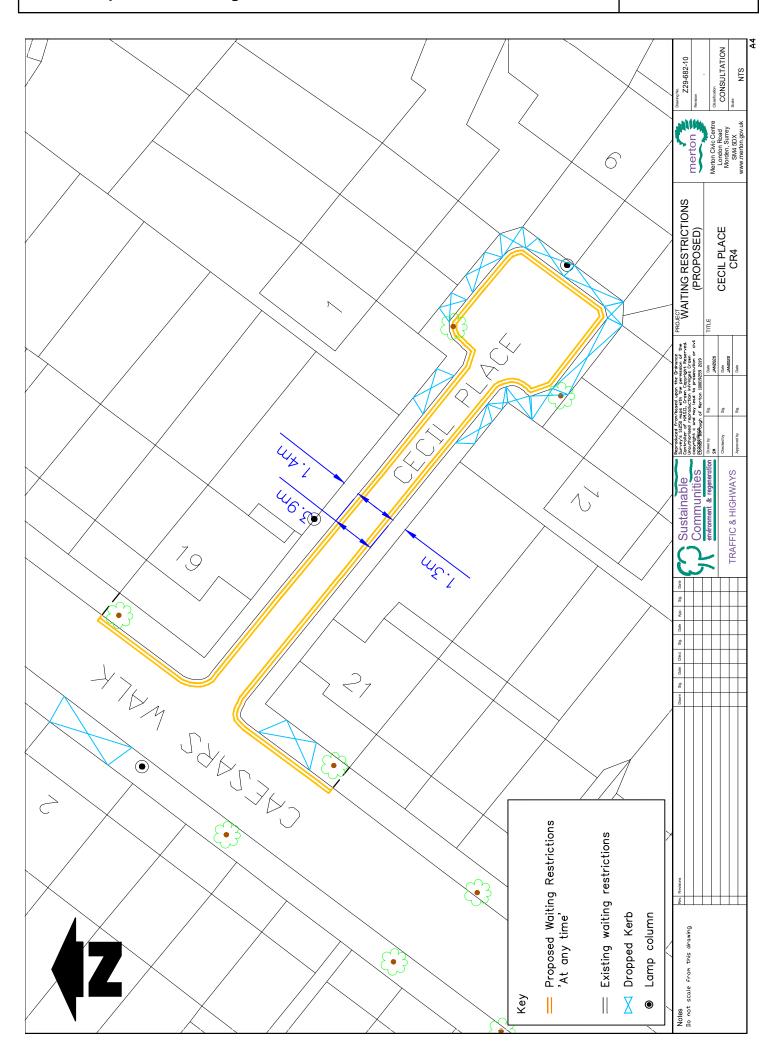


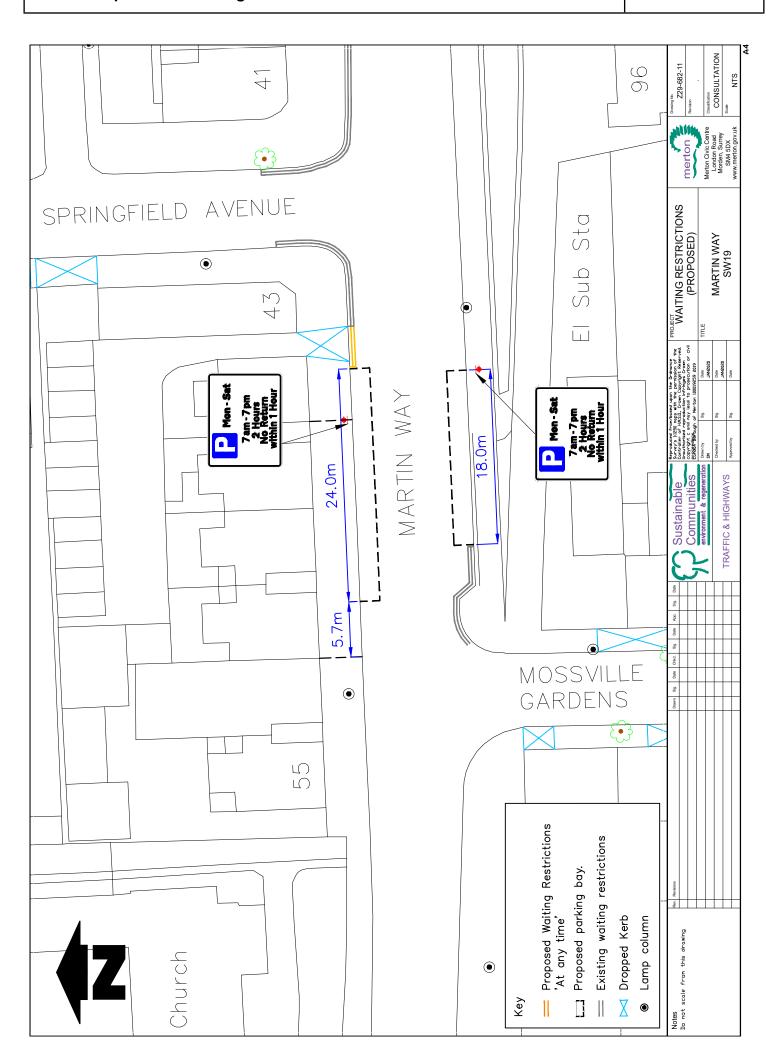












Merton Council - call-in request form

	Decision to be called in: (required)	
2. nas	Which of the principles of decision making in Article 13 of the not been applied? (required)	ne cons
Requ	uired by part 4E Section 16(c)(a)(ii)of the constitution - tick all tha	t apply:
(a) des	proportionality (i.e. the action must be proportionate to the sired outcome);	
	due consultation and the taking of professional advice from cers;	
(c)	respect for human rights and equalities;	
(d)	a presumption in favour of openness;	
(e)	clarity of aims and desired outcomes;	
(f)	consideration and evaluation of alternatives;	
(g)	irrelevant matters must be ignored.	
3.	Desired outcome	
Part	4E Section 16(f) of the constitution- select one:	
	The Panel/Commission to refer the decision back to the cision making person or body for reconsideration, setting out in iting the nature of its concerns.	
	To refer the matter to full Council where the ommission/Panel determines that the decision is contrary to the blicy and/or Budget Framework	
٠,	The Panel/Commission to decide not to refer the matter back the decision making person or body *	
	* If you select (c) please explain the purpose of calling in the decision.	

•	Evidence which demonstrates the alleged breach(es) indicated in 2 above (requ	ıırea)
Red	quired by part 4E Section 16(c)(a)(ii) of the constitution:	
5.	Documents requested	
6. W	Witnesses requested	
7.	Signed (not required if sent by email):	
8. Cal	Notes – see part 4E section 16 of the constitution Il-ins must be supported by at least three members of the Council.	
	e call in form and supporting requests must be received by 12 Noon on the third working the publication of the decision.	ng day
The	e 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 and Electoral Services, floor, Civic Centre, London Road, Morden SM4 5DX.	1st

For further information or advice contact the Head of Democracy and

Electoral Services on 020 8545 3409