

# Merton Council

## Cabinet Agenda

### Membership

#### Councillors:

Stephen Alambritis (Chair)  
Mark Allison  
Tobin Byers  
Caroline Cooper-Marbiah  
Nick Draper  
Ross Garrod  
Edith Macauley MBE  
Katy Neep  
Martin Whelton

**Date: Monday 13 November 2017**

**Time: 7.15 pm**

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,  
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.  
For more information about the agenda please contact  
[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone [020 8545 3616](tel:02085453616).

All Press contacts: [press@merton.gov.uk](mailto:press@merton.gov.uk), 020 8545 3181

# Cabinet Agenda

## 13 November 2017

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 6
4	Council Tax Support Scheme 2018/19	To Follow
5	Financial Monitoring Report 2017-18 - September 2017	To Follow
6	Crossovers Task Group Report	7 - 24
7	Reference on the contract with Veolia for waste, recycling and street cleaning	To Follow
8	Exclusion of the public To RESOLVE that the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s).	
9	Battle Close	25 - 86
10	Agency Workers Contract 2017	87 - 100

### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

# Agenda Item 3

CABINET

16 OCTOBER 2017

(7.15 pm - 7.50 pm)

PRESENT Councillors Stephen Alambritis (in the Chair), Mark Allison, Tobin Byers, Caroline Cooper-Marbiah, Nick Draper, Ross Garrod, Edith Macauley MBE, Katy Neep and Martin Whelton

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Yvette Stanley (Director, Children, Schools & Families Department), Paul Evans (Assistant Director of Corporate Governance), Dr Dagmar Zeuner (Director, Public Health) and Bronwen Pickering (Senior Communications Officer - Media Relations)

ALSO PRESENT Councillors Abigail Jones, Sally Kenny, Gilli Lewis-Lavender and Peter Southgate

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies were received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 18 September 2017 are agreed as an accurate record.

4 BUSINESS PLAN 2018-22 (Agenda Item 4)

The Cabinet Member for Finance presented the report which set out the financial challenges facing the Council, partly as a result of Government austerity, and a proposed framework for addressing those challenges.

The Director of Corporate Services advised that at this stage it was difficult to predict the figures and therefore they would be subject to change. All proposals would be subject to consideration by the Overview and Scrutiny Commission and Panels.

RESOLVED:

1. That the proposed amendments to savings set out in Appendix 1 be agreed; and the financial implications be incorporated into the draft MTFS 2018-22; and

2. That the latest draft Capital Programme 2018-22 detailed in Appendix 3 be agreed for consideration by scrutiny in November; and the indicative programme for 2022-27 be noted.

5 FINANCIAL MONITORING REPORT 2017-18 - AUGUST 2017 (Agenda Item 5)

The Cabinet Member for Finance presented the report, setting out the proposed adjustments.

The Director of Corporate Services advised that a further £1.4m would need to be identified to address the current overspend. Work was being carried out in Adult Social Care on a number of management actions to address their overspend.

The Leader welcomed the investments made in both Adult Social Care and Children, Schools and Families to address the challenging times, as both were important areas for the Council.

RESOLVED:

1. That the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £1.9million, 0.4% of the gross budget be noted.
2. That the adjustments to the Capital Programme contained in Appendix 5b to the Cabinet report be noted.
3. That the following adjustments to the Capital Programme be recommended to Council for approval:

Scheme	2017/18 budget	2018/19 budget	2019/20 budget	Narrative
Council and Cabinet approval				
Capital bidding fund	(560,100)	0		Virement
Parks – Canons Parks for the People	180,450	1,117,470	195,540	HLF Funding
Mitcham Area Regeneration – Parks for the People	638,780	2,032,100	301,040	HLF Funding & Virement
<b>Total</b>	<b>259,130</b>	<b>3,149,570</b>	<b>496,580</b>	

4. That the following adjustments to the Capital Programme be approved:

Scheme	2017/18 Budget	Narrative
Cabinet only approval		
Morden Park House Courtyard	125,000	£48k Donation and £77k Revenue Contribution
<b>Total</b>	<b>125,000</b>	

6 MERTON'S NEW LOCAL PLAN - HAVE YOUR SAY (Agenda Item 6)

The Cabinet Member for Environment, Regeneration and Housing presented the report, outlining the background to the development of the strategy and the process

for the 6 week consultation which would be publicised widely around the Borough. He looked forward to receiving the submissions and hoped that there would be a wide range of consultation responses from the community.

The Director of Environment and Regeneration advised that the proposed consultation was timely, due to the expected publication of the Mayor's draft London Plan consultation in Autumn 2017, which would set out housing targets for Merton. The consultation had also been considered by the Scrutiny Panel.

The Cabinet Member for Finance welcomed the opportunity to bring the new regeneration projects in the Borough together under the Plan, and stressed the need for new homes in the Borough.

The Leader welcomed the involvement of the Scrutiny members in the process.

RESOLVED:

1. That the first six week consultation on the new borough-wide Local Plan, to run for six weeks between October and December 2017 be approved.
2. That approval for the short consultation leaflet be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member.

7 CONTRACT AWARD- ADULT INTEGRATED DRUG AND ALCOHOL SERVICE (Agenda Item 7)

The Leader asked members to note that although item 7 contained an exempt appendix, Cabinet would not discuss the content of this appendix and could therefore stay in public session.

The Cabinet Member for Adult Social Care and Health presented the report, outlining the background to the service.

The Director of Public Health advised that a rigorous process had been followed and that the proposed provider would build on existing links to address the Community Plan priority of Bridging the Gap between the east and west of the Borough in terms of health inequalities.

RESOLVED:

1. That the award of a contract for the provision of the Adult Integrated Substance Misuse Service to Organisation A in the exempt appendix to the Cabinet report be approved.

The value of the contract over three years is £3,785,219.

The contract will commence on 1 April 2018 and be for a period of three years with the option to extend for a further period of up to 24 months, subject to satisfactory performance, availability of budget and continued need at the sole discretion of the Council. The maximum possible contract period would be no more than five years.

2. That the Cabinet delegates to the Director of Public Health, in consultation with the Cabinet Member for Adult Social Care and Health, the authority to extend the contract by the further increment of up to 24 months (as above).

## 8 TACKLING LONELINESS IN MERTON - FINAL REPORT AND RECOMMENDATIONS OF THE SCRUTINY TASK GROUP REVIEW (Agenda Item 8)

The Cabinet Member for Adult Social Care and Health introduced the report, stressing the importance of the topic and its implications for vulnerable residents. He welcomed the contribution made by the Task Group.

The Director of Community and Health advised that this presented a unique opportunity to work with the Borough's vibrant Third Sector. The Director of Public Health welcomed the initiative of the Task Group and advised that the recommendations were framed around a positive outcome of increasing the feeling of connectedness through social prescribing.

Councillor Sally Kenny, Chair of the Task Group, presented the report, highlighting the role of Councillors in tackling loneliness in Merton and the current action being taken to address the issue.

### RESOLVED:

1. That the report and recommendations (attached in Appendix A to the Cabinet report) arising from the scrutiny review of Tackling Loneliness in Merton be noted.
2. That the implementation of the recommendations through an action plan being drawn up by officers working with relevant local partner organisations and Cabinet Member(s) to be designated by Cabinet be agreed.
3. That the action plan be submitted to the Healthier Communities and Older People Overview and Scrutiny Panel for consideration, with no prior approval by Cabinet.

## 9 REFERENCE: CONSIDERATION OF CARE LEAVER ACCOMMODATION (Agenda Item 9)

The Cabinet Member for Children's Services introduced the report and welcomed the work of the Task Group.

Councillor Abigail Jones, Chair of the Task Group presented the report and thanked all those involved in the collaborative effort.

Cabinet welcomed the recommendations and thanked the Task Group.

RESOLVED:

That the comments and recommendations made by the Sustainable Communities Overview and Scrutiny Panel (set out in paragraph 2.3 of the Cabinet report) be noted and endorsed.

10 EXCLUSION OF THE PUBLIC (Agenda Item 10)

Cabinet noted that the content of the exempt appendix contained in Item 11 would not be discussed and therefore the meeting remained in public session.

11 CONTRACT AWARD- ADULT INTEGRATED DRUG AND ALCOHOL SERVICE - APPENDIX (Agenda Item 11)

The Cabinet noted that the content of the exempt appendix would not be discussed; and the decision is set out under Item 7.

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## **Committee: Cabinet**

**Date: 13 November 2017**

Agenda item:

Wards: All Wards

## **Subject: Crossovers Policy in Merton – Final report and recommendations of the scrutiny task group review.**

Lead officer: Stella Akintan, Scrutiny Officer

Lead member: Councillor David Chung, Task Group Chair.

Contact Officer: Stella Akintan; stella.akintan@merton.gov.uk; 020 8545 3390

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### **Recommendations:**

- A. That Cabinet considers the report and recommendations (attached in Appendix A) arising from the scrutiny review of Crossover Policy in Merton.
- B. That Cabinet agrees to the implementation of the recommendations through an action plan being drawn up by officers working with relevant local partner organisations and Cabinet Member(s) to be designated by Cabinet.
- C. That Cabinet decides whether it wishes to formally approve this action plan prior to it being submitted to the Healthier Communities and Older People Overview and Scrutiny Panel.

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### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- D. To present the scrutiny review report on Crossover policy in Merton for endorsement and seek approval to implement the review recommendations through an action plan being drawn up.

### **2. DETAILS**

- 2.1 In July 2017 the Sustainable Communities Overview and Scrutiny Panel agreed to undertake a scrutiny review of Crossover policy in Merton to ensure that the policy is consistent, can address the growth in car ownership alongside local parking restrictions and that effective enforcement measures are in place.
- 2.2 The findings and recommendations of the review are set out in Appendix A.

### **3. ALTERNATIVE OPTIONS**

- 3.1 The Sustainable Communities Overview and Scrutiny Panel can select topics for scrutiny review and for other scrutiny work as it sees fit, taking into account views and suggestions from officers, partner organisations and the public.
- 3.2 Cabinet is constitutionally required to receive, consider and respond to scrutiny recommendations within two months of receiving them at a meeting.

3.3 Cabinet is not, however, required to agree and implement recommendations from Overview and Scrutiny. Cabinet could agree to implement some, or none, of the recommendations made in the scrutiny review final report.

#### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 In carrying out its review, the task group questioned senior council officers as well as visiting other local authorities

#### **4.2 TIMETABLE**

4.3 The final report was approved by the Panel on 02 November 2017 where it was agreed to present the report to Cabinet.

#### **5. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

5.1 None for the purposes of this covering report. It is envisaged that the recommendations in the attached report will not have any major resource implications. However, any specific resource implications will be identified and presented to Cabinet prior to agreeing an action plan for implementing the report's recommendations.

#### **7. LEGAL AND STATUTORY IMPLICATIONS**

7.1 None for the purposes of this report. Scrutiny work involves consideration of the legal and statutory implications of the topic being scrutinised.

#### **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1 It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engaging with local partners in scrutiny reviews. Furthermore, the outcomes of reviews are intended to benefit all sections of the local community.

#### **9. CRIME AND DISORDER IMPLICATIONS**

9.1 None for the purposes of this report. Scrutiny work involves consideration of the crime and disorder implications of the topic being scrutinised.

#### **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 None for the purposes of this report.

#### **11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

11.1 Appendix 1 – Task group report on “Crossover policy in Merton”

#### **12. BACKGROUND PAPERS**



**London Borough of Merton**

**Report and recommendations arising from the  
scrutiny task group review of Crossovers in Merton**

**Sustainable Communities Overview and Scrutiny Panel**

**October 2017**

### **Task group membership**

Councillor David Chung (Chair)

Councillor Daniel Holden

Councillor Russell Makin

Councillor John Bowcott

Councillor Dennis Pearce

Councillor Laxmi Attawar

### **Scrutiny support:**

Alisha Muhmood, Graduate Management Trainee

For further information relating to the review, please contact:

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### **Acknowledgements**

The task group would particularly like to thank the officers who shared their experiences and thoughts with us.

- Steve Cooper, Principal Highway Officer, Merton Council
- Paul Walsh, Head of Parking and CCTV Services, Merton Council
- Neil Milligan, Development Control Section Manager, Merton Council
- Spencer Palmer, Director (Transport and Mobility), London Councils
- Jennifer Sibley, Principal Policy Officer (Transport), London Councils

Crossovers Task Group Report

## **Introduction**

Crossovers are the technical term for a dropped kerb, constructed to allow residents to drive across the pavement and access their property for off-street parking. A rise in applications for crossovers throughout London has been attributed primarily to a growth in car use and ownership alongside local parking restrictions. Merton's policy seeks to take a balanced view in relation to crossovers. It supports the right of residents who meet the criteria to have one installed as well as taking into consideration the impact of crossovers on the local community.

Many residents value the opportunity to have a crossover as it provides security when parking their vehicles outside their home and the convenience of being close to home for people with a disability or young children. Residents who have crossovers also benefit from lower car insurance premiums and the added financial value to the property.

Both councillors and officers identified crossovers as an important area to review; local residents often contact their ward councillors in relation to this issue and the members of the Environment and Regeneration Departmental Management Team also felt a review of this area would be beneficial.

The impact of crossovers is now a priority across London. The London Assembly passed a motion in February 2016 which called for the mayor and the government to promote lawns, flower beds, rain gardens and other vegetation over paving<sup>1</sup>. This was due to the Assembly's concerns about the impact that crossovers are having on green spaces and the importance of front garden plant cover for flood protection, wildlife habitats, the alleviation of air pollution and the character of streets<sup>2</sup>. This was also a key theme in The Royal Horticultural Society, Greening Grey Britain report<sup>3</sup> which warns that half of all London's front gardens are now paved over, many with impermeable surfaces that put further pressure on drainage systems.

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<sup>1</sup> <https://www.london.gov.uk/press-releases/assembly/put-the-garden-back-in-front-gardens-0> (2016)

<sup>2</sup> [https://www.london.gov.uk/press-releases/assembly/put-the-garden-back-in-front-gardens-0\(2016\)](https://www.london.gov.uk/press-releases/assembly/put-the-garden-back-in-front-gardens-0(2016))

<sup>3</sup> [https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/crazy-paving-environmental-importance-londons\(2005\)](https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/crazy-paving-environmental-importance-londons(2005))

### **Draft recommendations:**

1. Highways Team to strengthen advice and guidance for residents who wish to implement crossovers. This could be incorporated into the London Plan and should include; guidance around porous materials and water retention. The team could improve the links to construction advice from Merton's design guides. Good practice designs from London Councils and central government should also be made available to residents.
2. Merton crossover policy to be reviewed to ensure it complies with plain English guidance. The revised policy should be sent to the Community Forums for comments and feedback.
3. Highways Team to hold information sessions with councillors about crossover policy.
4. Council to consider extending the Short Frontage Agreement from 4.0 metres to 4.3 metres.
5. Highways Team to adopt and implement effective enforcement action to tackle the rise in illegal crossovers. Consideration should be given to other enforcement measures such as Community Protection Orders.
6. Highways Team to conduct a review of fees charged for crossovers ensuring that the fee not only includes the implementation of the crossover but the time spent managing the service and a contribution towards enforcement.
7. Highways Team to take action to reduce parking stress caused by the rise of crossover applications in controlled parking zone areas. A limit of 2.5 annual permits to be issued per bay. Once this is reached no further crossovers should be allowed in that zonal area as this would reduce the number of bays available for use.
8. Highways Team to implement a process to manage the increase in applications for crossovers when a controlled parking zone is proposed. Once the Cabinet or its representative has formally approved the consultation for a new CPZ , applications for a crossover will be kept on hold until the consultation has been resolved.

## **Terms of Reference:**

The review will focus on ensuring that Merton's crossover policy is effective in balancing the council's responsibilities to individual residents and their properties as well as making it accessible and fair to all residents in the community.

It will involve:

- An analysis of good practice and an evaluation of Merton's crossover policy to ensure that is user friendly and informative to residents.
- An assessment of the implications of Controlled Parking Zones on crossovers in the Borough.
- A consideration of the effects of crossovers on drainage and flooding in the Borough and ways to communicate to residents about the obligation to use non porous materials.
- An evaluation of the enforcement of illegal crossovers and a consideration of ways in which the council can improve its enforcement of crossovers.

## **Legislation**

The creation and enforcement of Crossovers is governed by the following legislation:

- *The Highways Act 1980* (Providing the highway authority with the power to serve a notice on the owner/occupier of premises).
- *The London Local Authorities Act 2003* (Providing powers for Councils to block unauthorised crossovers at the homeowner's expenses).
- *Traffic Management Act 2004, Part 6, s.86* (Ensures that if an occupier of premises habitually crosses the footway other than at a footway *crossover* with a motor vehicle, the Highway Authority can serve a notice imposing reasonable conditions on the use of the footway or the highway verge as a crossover).

## **Background policy context**

Merton Council welcomes and accepts the right of its residents to request crossovers for their property and seeks to minimise any impact that this can have on the local community. This requires striking a balance between residents' preferences for a right of access to their property, and ensuring accessibility to the pavement for other residents, maintaining greenspace and preventing flooding and drainage problems.

In 2005 the Greater London Assembly published its "Crazy Paving" Report<sup>4</sup>, the first London-wide analysis of problems associated with building crossovers. This established that an area 22 times the size of Hyde Park had already been at least partially paved over in London as a result of front gardens being turned from grass to concrete. It is assumed that this area will have grown considerably in the more than 10 years since the report's publication. The report was one of the first to highlight the

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<sup>4</sup> <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/crazy-paving-environmental-importance-londons>

strategic importance of protecting London's front gardens and recommended that this issue needs to be formally recognised in the mayor's planning policies, along with a public awareness campaign on non porous materials for paving gardens. Increasing awareness on non porous alternatives is essential for local authorities as planning teams have increased workloads, only reported breaches can be followed up, leaving many more to go unnoticed resulting in some homeowners perhaps unknowingly covering their front garden with concrete or other surfaces.

### **Drainage and flooding:**

The most recent information published by the Environment Agency stated that parts of South West London have a particular susceptibility to surface water and sewer flooding<sup>5</sup>, due to the urbanised nature of the area and the complexity of the sewer system leading to a high potential for constrictions, blockages and failure. This was taken into account by Merton Council's Local Flood Risk Management Strategy in 2014 which that Merton is at greatest risk of flooding from surface water.<sup>6</sup>

Members also express concerns regarding localised flooding and drainage issues in Merton. It is their desire to protect the green space and street scene in Merton, especially when the council is faced with an increasing amount of approved crossover applications. There are particular concerns about streets in the Borough in which almost all the front gardens had been paved over to accommodate cross overs.

Planning permission is not required for a crossover if the resident uses a porous or permeable material to pave their property. Only if a resident is going to pave over 5m<sup>2</sup> of their property with a non-permeable surface will they need to acquire planning permission. The council also offers guidance on permeable surfaces to residents on the council website.

Officers were asked to look at good practice from other local authorities on permeable surfaces for crossovers and ways for Merton to improve the advice given to residents on paving their gardens. The task group also invited representatives from London Councils to provide information about London boroughs and how they were tackling the issue of drainage and flooding in relation to crossovers.

Policies from other councils ranged from:

- Not permitting crossovers unless the hardstanding is permeable (London Borough of Hillingdon)
- A requirement of minimum of 25% soft landscaping or permeable material and actively encouraging careful planning of hard surface construction (London Borough of Harrow).
- Requiring 50% of front area to be soft landscaping under planning requirements and council green policy (London Borough of Brent).

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<sup>5</sup> <https://www.merton.gov.uk/streets-parking-transport/streets-and-pavements/flooding>

<sup>6</sup> <https://www.merton.gov.uk/streets-parking-transport/streets-and-pavements/flooding>



It was agreed by the task group that Merton could improve on its communication with residents regarding what constitutes porous and permeable material and warn them of particular materials that are advertised as porous but will not allow water to soak into them e.g. 'Porous Concrete'.

**Recommendation:**

1. Highways Team to strengthen advice and guidance for residents who wish to implement crossovers. This could be incorporated into the London Plan and should include; guidance around porous materials and water retention. The team could improve the links to construction advice from Merton's design guides. Good practice designs from London Councils and central government should also be made available to residents.

Air pollution

The Environment Committee of the Greater London Assembly (GLA) has reported that the replacement of grass and plant beds with concrete and asphalt surfaces can have a negative affect on air pollution levels. This is because water that soaks into the ground will evaporate back into the air, causing a "cooling effect" around the house. This "cooling effect" is lost if water cannot soak into the ground due to it being covered with hard impermeable surfaces<sup>7</sup>, ultimately causing local temperatures to rise (often referred to as the urban heat island effect). Moreover the removal of hedges and greenery has been attributed to reduced CO2 absorption, thereby increasing air pollution levels. Maintaining clean air is a key strategic priority for Merton Council and we are currently consulting the public on a new air quality strategy.

Effects of Crossovers on House Prices

The rise in crossovers can have an impact on house prices in the local area. The GLA has stated<sup>8</sup> that there is evidence of a "skittle effect" whereby if a single house in any given street has a driveway instead of a garden, and there is limited or no on-street parking, the value of the property will be greater than the surrounding properties. However, this can lead to a negative effect as once a critical mass has been reached, and the majority of front gardens have been paved over, the value of all the houses on the street will be reduced because of the reduction in the attractiveness of the streetscape.

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<sup>7</sup> <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/crazy-paving-environmental-importance-londons>

<sup>8</sup> <https://www.london.gov.uk/press-releases/assembly/put-the-garden-back-in-front-gardens-0>

### **Good Practice on Local Authority Websites:**

It is important to members that residents are kept well informed and aware of the council's policy for crossovers and that any information provided to them was user-friendly and accessible. The Highways Team was tasked with reviewing the current policy and making changes to any technical language or wording that did not achieve the clarity required for Merton residents. Moreover the examples of good practice outlined below from other council were also highlighted as potential ways for Merton to improve the way it communicates with residents.

The following are examples of good practice from other council websites that Merton could adopt from neighbouring local authorities:

#### London Borough of Richmond:

- Dropped Kerb Measurement Form: To help customers note down measurements and once completed they are entered into the online form which can check the measurements to see if the minimum and maximum measurements are met before they apply.
- A timeline of the process, outlining each stage and what will happen.

#### London Borough of Kingston:

- Guidance on 'Things to know before applying' and 'Reasons your application may be refused'.
- It is written in informal and clear language, very little specialist or technical language.

#### London Borough of Wandsworth:

- Link below the information to the application form which is available in downloadable PDF format, available without having to log in or fill in details.

#### London Borough of Bromley:

- The structure is a step by step guide outlining: What is A Crossover?, How To Apply, Terms and Conditions and Vehicle Crossover Application Documents.

#### London Borough of Sutton:

- Pre Application and Pre-Approval Checklist, answering 'Yes 'or 'No'. e.g. "Will any of the following affect the application...?" and "Have you checked...?".

### **Recommendations:**

2. Merton crossover policy to be reviewed to ensure it complies with plain English guidance. The revised policy should be sent to community forums for comments and feedback.
3. Highways team to hold information sessions with councillors about crossover

policy.

### **Enforcement against Illegal Crossovers:**

Whilst the vast majority of crossovers are used with safety and comply with our criteria, the issue of illegal crossovers and the impact that they have in the Borough is a priority for members. Task group members had concerns about vehicles over hanging and obstructing the pavement,. This is especially the case with large vehicles that make it difficult for disabled residents those with limited mobility or vision and those pushing buggies to use the pavements and avoid parked vehicles.

Task group members were also aware that some residents illegally access a neighbouring crossover, or access a property without a crossover.

Currently there are over 170 recorded instances of reported illegal footway crossings to gain access to off street parking spaces and according to the Highways Team, there will be more which are not recorded. The task group talked with Development Control Section Manager, Head of Parking and CCTV Services and the Principal Highways Officer about these issues.

### **Procedure for enforcing crossovers at Merton:**

Currently Merton writes to resident of the property informing them that they have been illegally crossing and offers the resident an opportunity to apply through the formal application process. If this is not received, the Highways Team will write a second letter advising that preventative measures may be imposed to protect the public and maintain safety. However the department is restricted in its ability to enforce this action due to lack of staff resources. In reality, priority is given to those that cause damage. Task group members discussed this issue at length and agreed that an increase in administration fee would allow a full follow-up to the letters and implementation of the formal notice, reducing the number of illegal crossovers and increasing safety in Merton. It would also send out a clear message to residents that enforcement procedures are in place and will be implemented when necessary.

### **Short Frontage Agreements:**

The Short Frontage agreement licenses the use of a vehicle crossover where the property front garden depth measures between 4.0m and 4.49m.

Task group members found in their experience that there were reported tensions between neighbours due to changes in council measurement criteria for crossovers, leading to some applications being rejected that would previously have been accepted. The Highways Team attributed this to confusion surrounding the implementation of 'Short Frontage Agreements' in the borough.

### **Enforcing the agreement:**

The Short Frontage Agreement is enforced by a three strike ruling. If the property has a vehicle overhanging the public highway causing obstruction, the resident receives a first and second written warning and by the third instance they receive a notice advising that the council is revoking the agreement and removing the vehicle crossover at the applicants full cost. If the applicant fails to pay the cost, the full cost plus any additional costs are recorded onto the Land Charges register for that property.

#### Issues with Short Frontage Agreements

The Highways Team are aware of instances where applicants have larger vehicles which are overhanging the footway. Whilst these do not meet the legal definition of obstruction, they are obstructing for our residents who may be visually or mobility impaired. According to car sales figures for 2016, the average car length is still 4.3m. Therefore it is suggested that Merton retain the short frontage agreement, which strengthens Merton's drive to be innovative. It is recommended that the Council increase the measurement criteria from 4.0m depth to 4.3m, this would ensure that Merton does not legalise obstruction and meets the need of modern car users.

#### **Recommendation:**

4. Council to consider extending Short Frontage Agreements from 4.0 metres to 4.3 metres.

#### Closer working between the Planning and Highways Teams:

The task group held a meeting with highways and planning officers to look at ways to improve Merton's enforcement of illegal crossovers, and ways to increase communication and closer working between the Planning and Highways Teams. This could be in the form of further checks during the customers building period which would highlight any issues that would need to be referred to planning or further attention which could be given to ensure that garden works are complete prior to the construction of the crossover. This would strengthen the control over poor construction resulting in less flooding and prevent further delays for residents. However this would require an increased workload for the Planning Team and would therefore be dependent upon staffing levels and resources.

#### **Recommendation:**

5. Highways Team to adopt and implement effective enforcement action to tackle the rise in illegal crossovers. Consideration should be given to other enforcement measures such as Community Protection Orders.

#### **Fees and charges for installing a crossover:**

The task group considered how to improve the overall crossover policy in the borough it was found that this would be difficult within the existing budget envelope and current level of staff resource. Task group members were informed that in some instances the current fees do not cover the costs of implementing the crossover and

considered the financial resources that would be necessary to effectively enforce illegal crossovers.

The suggestions were:

- To introduce a contingency fund of £20,000 from Parking Sections Transport improvement funding to finance the implementation of restrictive measures against illegal crossovers and their associated highway damage.
- To increase the non-refundable application fee to £100 and to no longer deduct this fee from the estimated costs when the application is approved and estimated. This would amount to an increase of the Administration Fee to £300 and to ensure that £50 of this fee is put towards taking action against illegal crossovers.

#### Cost of a Crossover in Merton:

Merton has one of the lowest administration costs in London and while this is non-refundable, it is deducted from the overall costs if permission for the crossover is granted.

The current standard costs of implementing a permitted vehicle crossover are as follows:

Measurement	Charges
Standard minimum (2.5m width) crossover implementation.	£700.00 to £900.00 (Including £75 or £125 non-returnable deposit)
Standard maximum (4.8m width) crossover implementation.	£1,250.00 to £1500.00 (Including £75.00 or £125.00 non-returnable deposit)
Optional White bar marking	£80.00

- If it is in an unclassified road the deposit fee is £75 and in a Controlled Parking Zone the deposit fee is £125. (in a classified road the planning fee is a further £125).
- There will be extra costs to the applicant if the proposed crossover affects manhole covers, lamp columns, telegraph poles or trees.
- Where an application requires an amendment to an existing traffic management order due to the need to remove a parking bay within a Controlled Parking Zone. This will attract a £3000 stand-alone fee or a contribution of £300 and await 9 further applicants. Neither of these costs are refundable.

## Fees for Crossovers from other Boroughs

Members looked at pricing in neighbouring boroughs to assess Merton's costs and charges for the administration and construction of a crossover. Prices ranged from:

Local Authority	Fees Charged
Merton	Administration fee of £75.00 (non-refundable) .
Sutton	Administrative fee of £80.00 (non refundable).
Croydon	Administrative Fee of £150.00 (non refundable).
Kingston	Administrative fee of £80 (non-refundable).
Wandsworth	Administrative fee of £45 (non-refundable) and a fixed cost for the construction of a 'standard' crossover of £1,493.50.
Bromley	Administrative Fee of £200.00 (non refundable) and the average cost of a construction is £918.29.
Richmond	Price of application is £221 (non-refundable).If the application is approved; there is an administration charge of £740 that is included in the quote for the dropped kerb. The construction cost was on average between £2000 and £2500.
Camden	No charge for crossover applications and the average cost of construction ranged between £2000 to £3000.

### **Recommendation:**

6. Highways Team to conduct a review of fees charged for crossovers to ensure these covers the full cost of managing the service. Revised fees should include an additional pot of money to pay for enforcement action. Additional funding could be identified from transport related budgets.

## **Vehicle Crossovers within Controlled Parking Zones(CPZ)**

### Controlled Parking Zones in Merton

The regulations covering the introduction of a CPZ state that all of the highway must be designated as either a parking place or an area where parking is prohibited. To ensure that obstructive parking does not take place, yellow lines are painted across crossovers and residents can park on the lines outside the CPZ hours, unless special restrictions apply and are appropriately signed. The CPZ design on which there is consultation and which is implemented is the most

efficient use of the kerb space available and the design process takes into account the existing vehicle crossovers in each street to be covered by the CPZ. Moreover implementing a crossover within a CPZ can be expensive for the applicant as they will be required to pay for any amendments to the existing traffic management order.

### Issues with Controlled Parking Zones

Members informed the task group that residents have expressed frustration due to the limited parking space available close to their homes. It is important that Merton's policies are open and transparent to support perceptions of fairness. This is also true in relation to changes in CPZ policy.

It was identified that there were a number of issues in respect to vehicle crossovers and CPZs in the Borough:

- Every crossover permitted post CPZ implementation reduces the available parking bays by one. If every property in a street was eligible for a crossover this in effect would remove the majority of bays and dramatically impact on the overall efficiency of the CPZ.
- When a CPZ is proposed there is an increased amount of vehicle crossover applications received. This severely restricts the amount of kerb space available to create a CPZ. The increase demand impacts on the delivery resource. Conflict in CPZs with residents that have crossovers and residents that cannot park close to their homes as crossovers take away parking space.

It was also noted by members that from the feedback made by residents, it seems that there is a generational difference in attitudes to off street parking, with younger residents viewing off street parking as more acceptable than residents who have lived in the area for a long time.

### **Good practice on crossovers in CPZ areas:**

Members were interested in looking at good practice from other boroughs in regulating and monitoring the use of crossovers in CPZ areas. It was identified that some central London boroughs practice a no crossover in a CPZ policy when at least 75% of the Borough was covered by a CPZ and the amount of permits issued exceed the resident bays available by more than 25%.

Furthermore many boroughs cited the increase of applications prior to the adoption of a CPZ impacting on their resources and the ability to effectively design the CPZ. Although with the exception of the London Borough of Kensington and Chelsea operating a no crossovers in CPZ areas policy, most boroughs opted for a restriction instead of an outright ban, in order to improve the management of CPZs. This can be seen in The London Borough of Wandsworth which has introduced a policy that allows crossovers within CPZs providing they do not exceed a 50% reduction in kerb space available and that the proposed location does not split two bays.

The task group looked at all the evidence and discussed this with the Highways Team and colleagues from London Council's and believed that the fairest way to balance the efficient working of a CPZ could be done in two ways:

1) To adopt a policy that:

- During a prescribed period freezes crossover applications within a proposed CPZ. This could greatly improve the opportunities of ensuring that the CPZ implemented is the most efficient use of the kerb space available.
- The prescribed period would be from the date of the Cabinet meeting where permission to move forward to the detailed design stage is requested because initial public consultation is in favour of a CPZ to the date the Traffic Management Order is made.
- This would enable applications to continue until that point and then be contained within the original Traffic Management Order.
- Once the Cabinet or its representative has formally approved the consultation for a new CPZ, no applications for crossovers in that area/zone will be processed until the application has been resolved.

2) To limit crossovers in CPZ areas in which there is 'parking stress' (defined as more than 2.5 permits per bay). This would involve the Highways Team considering the number of permits issued to the number of spaces. When a Bay reached the saturation zone of 2.5 permits per space not including disabled bays, the resident application for a crossover would not be accepted.

### **Recommendations:**

7. Highways Team to take action to reduce parking stress caused by the rise of crossover applications in controlled parking zone areas. A limit of 2.5 annual permits will be issued per bay. Once this is reached no further crossovers should be allowed in that zonal area.
8. Highways Team to implement a process to manage the increase in applications for crossovers when a controlled parking zone is proposed. No application will be processed once the controlled parking zones is formally approved for consultation and will held awaiting the outcome of and implementation of the proposals.

### **Conclusion**

The recommendations outlined in this report are considered necessary in improving the way we use crossovers in the borough. Merton has a proud tradition of providing



support to residents who want a crossover. However issues such as enforcing illegal crossovers that cause obstructions for residents, loss of green space due to paving front gardens and limited parking available in CPZ areas are affecting residents on a day to day basis. Therefore the task group has sought to balance residents' desires to modify their properties with the interests of the local community. It is considered that increasing funding to enforce illegal crossovers, limiting crossovers in 'high stress' areas and communicating better with residents about Merton's policy are an essential step in improving the effect of crossovers in Merton.

The task group also discussed the emerging recommendations with colleagues from London councils who recognised the innovative and pioneering work that is taking place and being proposed. They have asked for the final report and recommendations to be circulated to all London Boroughs.

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