

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
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Morden SM4 5DX**

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Date: 11 July 2016

Dear Councillor

**Notification of a Decision taken by the Cabinet Member for
Environmental Sustainability and Regeneration**

The attached **Non-Key** decision has been taken by the Cabinet Member for Environmental Sustainability and Regeneration, with regards to:

- Proposed Parking in Deer Park Road SW19 (Statutory Consultation)

and will be implemented at **Noon on Thursday 14 July 2016** unless a call-in request is received.

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

**Chris Pedlow
Democracy Services**

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

See over for instructions on how to use this form – all parts of this form must be completed. Type all information in the boxes. The boxes will expand to accommodate extra lines where needed.

1. Title of report and reason for exemption (if any)

Proposed parking management in Deer Park Road – statutory consultation

2. Decision maker

Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing.

3. Date of Decision

8th July 2016

4. Date report made available to decision maker

6th July 2016

5. Date report made available to the Chairs of the Overview and Scrutiny Commission and of any relevant scrutiny panel

6. Decision

1. To note the result of the statutory consultation carried out between 12th May and 3rd June 2016 on the proposal to introduce parking restrictions in Deer Park Road, SW19.

2) I agree to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the parking restrictions in Deer Park Road, SW19 as shown in Drawing Nos. Z78-283-01 in Appendix A.

3) I agree to not hold a public inquiry on the consultation process.

7. Reason for decision

Previous issues with a mobile unit encampment on Deer Park Road which was used as a residential unit which in turn led to the installation of temporary barriers which are costly to maintain and take up space. Limitation of parking on the road. Support from businesses in the area for parking restrictions.

8. Alternative options considered and why rejected

Not to implement would be contrary to the views expressed by businesses in the area and exacerbate the parking issues in the area.

9. Documents relied on in addition to officer report

None

10. Declarations of Interest

None

11. 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.

*There is no need to resend Street Management Advisory Committee reports.

Martin Whelton
Cabinet member for Regeneration,
Environment and Housing

8th July 2016.

Cabinet Member for Regeneration, Environment and Housing:

Date: 6th July 2016

Agenda item:

Ward: Abbey

Subject: Proposed parking management in Deer Park Road SW19 (statutory consultation)

Lead officer: Chris Lee, Director of Environment & Regeneration

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

Forward Plan reference number: N/A

Contact Officer: Barry Copestake, Tel: 020 8545 3840

Email: barry.copestake@merton.gov.uk

Recommendations:

That the Cabinet Member considers the issues details in this report and:

- 1) Notes the result of the statutory consultation carried out between 12th May and 3rd June 2016 on the proposal to introduce parking restrictions in Deer Park Road, SW19.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the parking restrictions in Deer Park Road, SW19 as shown in Drawing Nos. Z78-283-01 in Appendix A.
- 3) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report details the undertaking of the statutory consultation and its outcome on the Councils' proposals to introduce parking restrictions in Deer Park Road, SW19.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce parking restrictions / management in Deer Park Road, SW19 as shown in Drawing Nos. Z78-283-01 in Appendix A.

2 BACKGROUND

- 2.1 Until 2015, a section of Deer Park Road which is a public highway was for many years occupied by a mobile unit utilised by individuals as a residential unit. Following a successful legal battle, the individuals were removed and the area was barricaded by temporary materials to discourage others from establishing a similar settlement.
- 2.2 Deer Park Road is within one of the Borough's business estates and due to the occupation, availability of parking for staff and visitors had become stressful and it made for an unpleasant environment.
- 2.3 The temporary barricades are proving expensive and not the best use of available space. To ensure the most appropriate use of space and to prevent a similar occupation, the Council proposed some parking management that would benefit the local businesses and visitors.

- 2.4 A meeting between Business representatives and a Council officer was held on 12th January 2016 to discuss aspects of the proposed parking management and to clarify issues the business community faced.
- 2.5 The agreed proposed measures include;
- Marked informal parking bays.
 - Single yellow line waiting restriction, operating Monday – Sunday 10pm – 5am, marked through the parking places to restrict overnight parking.
 - A section of pay and display parking, operating Monday – Friday 8.30am – 6.30pm, to facilitate visitor parking and increase a regular turnover of available parking, with no maximum stay period.
 - A secured motorcycle parking bay.
 - Double yellow line waiting restrictions to be marked across the entrance of 4 depot yards.

3 STATUTORY CONSULTATION

- 3.1 The statutory consultation on the Council's proposal to introduce parking restrictions / management in Deer Park Road, SW19 commenced on 12th May 2016 and ended on 3rd June 2016. The consultation included the erection of street Notices on lamp columns in the vicinity of the proposals and the publication of the Council's intentions in the Local Guardian and the London Gazette. Details and plans of the proposals, see appendix A, were also available on the Council's website and a link to this website was included on all street notices.
- 3.2 Officers also liaised with the South Wimbledon Business Area (SWBA Ltd) Estate Co-ordinator to ensure engagement with the local business community was maximised and to raise the community's awareness of the Council's proposal.
- 3.3 The statutory consultation resulted in the Council receiving a total of 3 representations, which consisted of all 3 in support of the proposals but with 2 of them seeking amendments to some aspects of the proposals. These are detailed in appendix B.
- 3.4 Representation with comments

A local business is concerned with restricting parking during the night and believes that this will have a negative impact on the local businesses which operate beyond the standard 9am – 5pm hours.

Officer's comment – The proposals include unrestricted parking places that can be utilised at any time. The purpose of the overnight restriction is to address the issue of long-term parking, which is not related to the local business community and a history of members of the public setting up residence on the public highway.

- 3.5 A second representation believes that the proposed 'free parking' during the day is too generous and it would be more beneficial if the Council were to consider allocating these spaces to local businesses. The objector believes that these parking bays will be fully utilised by those who continue their journey by using the tram, leaving no spaces for the local businesses to use. The objector further believes that there should be a time limit on the pay and display parking as instigating a time limit will free up parking spaces throughout the working day, allowing visitors to the local businesses to be able to park.

Officer's comments - The proposals were derived in partnership with the SWBA Ltd. The proposal has been devised so as to prevent the utilisation of the public highway as temporary residence whilst providing parking for the local businesses and visitors. The Council will monitor the use of the pay and display parking and consider amendments to time restrictions should the pay and display facility not be supporting / encouraging a regular turnover. Likewise the parking practises of the public / business community within the scheme will be monitored and if necessary consideration will be given to the appropriate changes such as, the use of allocated business permit parking and / or limited hours of stay.

Ward Councillor Comment

- 3.6 Ward Members have been engaged during the statutory consultation process with the proposals and no comments have been made for the purpose of this report.

4 TIMETABLE

- 4.1 If a decision is made to proceed with implementation of the proposed waiting restrictions, Traffic Management Orders could be made six weeks after the made decision. This will include the erection of the Notices on lamp columns in the area, the publication of the made Orders in the Local Guardian and the London Gazette. The documents will be made available at the Link, Civic Centre and on the Council's website. The measures will be introduced soon after.

5 ALTERNATIVE OPTIONS

- 5.1 Do nothing. This would be contrary to the concerns expressed by the local businesses, and would not resolve the reduced parking availability and obstructive parking that is currently taking place. It will do nothing to assist the business community with parking demand.

6 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 To introduce the proposed restrictions will cost approximately £7,500. This includes the making of The Traffic Management Orders. The set up costs will be funded from the Capital budget identified for controlled parking zones within the Capital Programme 2015/2016.
- 6.2 The Environment and Regeneration revenue budget for 2015/16 currently contains a provision of £260k for Parking Management schemes. The cost of this proposal can be met from this budget.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 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.
- 7.2 The Council has discretion as to whether or not to hold a public inquiry before deciding whether or not to make a Traffic Management Order or to modify the published draft Order. A public inquiry should be held where it would provide further information, which would assist the Cabinet Member in reaching a decision.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 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.

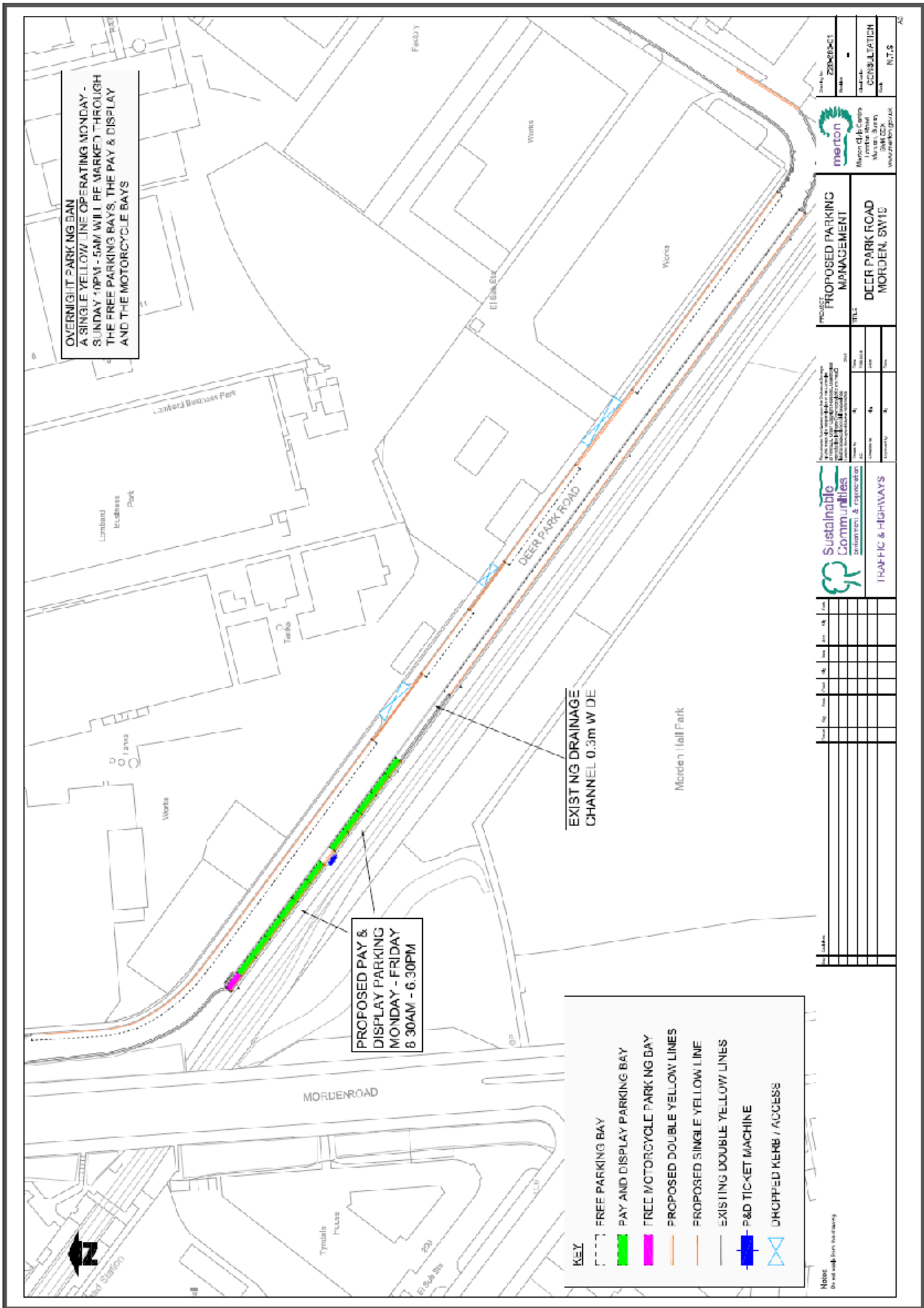
9 RISK MANAGEMENT IMPLICATIONS

- 9.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to all road users, businesses and visitors, in the case of an emergency, and access difficulties will not be addressed. It would also be contrary to the support and concerns expressed and could lead to loss of public confidence in the Council.
- 9.2 The risk of introducing the proposed restrictions could lead to possible extra pressure on the current parking demand in the surrounding roads at each location. However, the benefits of the proposals outweigh the possible increase in demand.

10 APPENDICES

- 10.1 The following documents are to be published with this report and form part of the report.
- 10.2 Appendix A - Drawing Nos. Z78-283-01
- 10.3 Appendix B – Representations and Officer's Comments

Appendix A - Drawing Nos. Z78-283-01



Appendix B - Representations and Officers' Comments

ES/DEER_PK_RD/001

Paying for parking where it has always been free is annoying for a business but not something I wish to object to. However there are many businesses that operate 24 hours a day- mine included. Stopping parking during the night time is not very helpful and has a 9-5 attitude to local businesses that does not seem fair, inclusive and even handed.

Officers Comments:

The majority of the parking places in the proposed scheme remain free; the purpose of the overnight restriction is to address the issue of long-term parking, which is not related to the local business community and a history of members of the public setting up residence on the public highway, which reduces available parking for the majority of local businesses during usual business hours. The restrictions will operate 10pm – 5am and we appreciate some business may operate during this time, therefore unrestricted parking places would be available in the south to north arm of Deer Park Road up to its junction with Windsor Road

ES/DEER_PK_RD/002

We are strongly in favour of this proposal especially as this includes double yellow lines across the front of our property.

ES/DEER_PK_RD/003

With regards the above listed reference in relation to the Council's Statutory Consultation on its intention to introduce parking restrictions in Deer Park Road. We have studied the Council's proposals and listed our comments below.

1. Section of Pay & Display- Whilst we support this proposal, we do believe that there should be a time limit on parking in these bays. Instigating a time limit will free up parking spaces throughout the working day, thus allowing visitors to local businesses to be able to park.

2. Overnight Parking Ban 22:00 to 05:00hrs - We fully support this proposal.

3. Free Parking Bays- Whilst this proposal is generous we believe it would be more beneficial if the Council were to consider allocating these spaces to local businesses. The current free parking spaces, on a daily basis, are virtually all used up by people parking in Deer Park Road and travelling by tram to their final destination, leaving no spaces for the local businesses to use.

As a local business, we currently have six parking spaces allocated to us by our landlords at Tramlink Park, however this is insufficient for the number of vehicles that we have to accommodate. We have a number of employees that commute to work by car, which, due to the nature of our business, they need to use to carry out their work roles.

At present our employees spend a considerable amount of time driving around surrounding roads looking for parking spaces, often resulting in a long walk to the office. We also have a number of clients and sub-contractors that will not visit our offices because of the difficulties with parking.

We would propose that instead of free parking the Council reserve these spaces for local businesses. Reserving these spaces, at an annual cost of £200 per bay, would allow local businesses to accommodate their employees and visitors.

Officers Comments:

The proposals were derived in partnership with the SWBA Ltd. The proposal has been devised so as to prevent the utilisation of the public highway as temporary residence whilst providing parking for the local businesses and visitors. The Council will monitor the use of the pay and display parking and consider amendments to time restrictions should the pay and display facility not be supporting / encouraging a regular turnover. Likewise the parking practises of the public / business community within the scheme will be monitored and if necessary consideration will be given to the appropriate changes such as, the use of allocated business permit parking and / or limited hours of stay.

Merton Council - call-in request form

1. Decision to be called in: (required)

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

(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.	
(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:

5. Documents requested

6. Witnesses requested

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

8. Notes

Call-ins must be supported by at least three members of the Council (Part 4E Section 16(c)(a)(i))

The call in form and supporting requests must be received by by 12 Noon on the third working day following the publication of the decision (Part 4E Section 16(c)(a)(iii)).

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 (Part 4E Section 16(c)(a)(iv)) to Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.