

## Merton Council - call-in request form

### 1. Decision to be called in: (required)

**Proposals to improve parking facilities in selected borough parks (Wimbledon Park, Haydons Road Recreation Ground, Abbey Recreation Ground and Tamworth Recreation Ground) - statutory consultation**

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

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

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

### 3. Desired outcome

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

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



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

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

We – the signatories – appreciate the amendments that have been made by the Cabinet Member to the original proposals that he authorised for formal consultation in his previous decision of April 2017. In particular, we welcome his decision not to proceed with charging in these four car parks on Saturdays.

We also note that the Cabinet Member has responded to concerns expressed during the formal consultation about the need to deter long-stay commuters from using the parking spaces at these parks by introducing a flat fee for stays in excess of 4 hours and a fee of £12 for 8 hours. We recognise that there is a need for the council to address long-stay commuter parking as well as issues with caravans and abandoned vehicles being parked at these locations and to manage the demand for parking at parks around the borough.

However, we continue to have reservations about certain aspects of the measures that are being proposed by the Cabinet Member and believe that the way in which the decision has been taken and the grounds upon which it is based merit being subjected to full scrutiny by elected members in a public meeting so as to ensure that the interests of local residents and park users are being best served.

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

It is not clear that the Cabinet Member's decision is proportionate to the desired outcome. The claimed outcomes are set out in 2.1 of the officer report. However, nowhere there does it state categorically that by introducing these pay and display bays, there will be a positive impact on congestion; on the security and safety of the parks; on meeting the needs of park users; or on improving the parks' attractiveness and amenity.

Throughout this decision making process from the very inception of the policy there have been assumptions made by the Council about what the views of local residents and park users are. This is demonstrated in the officer report. For example, at 12.1 it acknowledges that the proposed measures 'may cause some dissatisfaction from the few, but it is considered that the benefits of introducing the measures outweigh the risk

of doing nothing’.

Similarly, in an email from April 2017 the Leisure and Culture Greenspaces Manager states:

*“My impression has been that there’s local support for this scheme”*

Yet, this is simply not borne out from the results of the recent consultation with opinion amongst those responding being much more split and indeed, a clear majority of respondents opposing the proposals for Haydons Road Recreation Ground. This tallies much more with the experience of ward councillors, who are aware that a sizeable number of residents have in the past supported free parking at their local park.

The same is true of the sports clubs who hire out pitches at these parks for their sporting activities. There is no evidence provided in the decision notice and report that their members and guests wouldn’t prefer to keep free access for these sporting facilities.

The Cabinet Member’s decision also still fails to take proper account of the knock on impact of these measures on parking in residential streets around these parks. At Wimbledon Park, for example, the local residential roads have parking restrictions between 11am and 3pm from Monday to Friday on the Merton side. On the Wandsworth side, the parking restrictions are for just one hour a day. As a result, even having dropped the Saturday charging proposal, the Cabinet Member’s decision to charge for parking between 8am and 4pm on weekdays risks causing additional parking problems on the surrounding residential streets, as park users who drive there will inevitably be incentivised to park in those streets between 8am and 11am and between 3pm and 4pm rather than using the car park.

Yet this knock on effect of the proposed charging hours being out of sync with the CPZ restrictions is not even referred to as a risk under paragraph 12 of the officer report. If the Cabinet Member remains determined to introduce charging in the Revelstoke Road car park then the hours should be no more than 11am to 3pm Monday to Friday as otherwise there is likely to be a significant increase in on street parking in nearby residential roads. This could also be an issue for residential streets in and around Willmore End in relation to Abbey Recreation Ground.

The proportionality of this decision is also thrown into doubt by the Council’s decision only to introduce charges at the Revelstoke Road car park despite Wimbledon Park having two car parks. If charging is going to happen then it doesn’t seem to be proportionate for it not also to be applied to the Wimbledon Park Road car park. Yet no explanation is given as part of the officer report as to what, if any, discussions have taken place with LB Wandsworth about a coordinated approach to charging for the whole of Wimbledon Park.

Similarly no explanation is given for the Council’s decision only to choose

to pursue charging at the car parks of these four parks and not at other parks around the borough. The officer report provides no detailed analysis by the Council of the usage of these four car parks and how the revenue generating potential compares to other parks. This casts doubt on the proportionality of this decision.

So too does the statement by the Cabinet Member for Community and Culture at para 5.9 of the officer report:

*"I'd like to see this as a first sally into charging in parks. I hope for more in the months and years to come".*

This suggests that it is indeed the Council's intention to roll out charging to parks right across the borough. Yet, it is not clear how this is a proportionate response to the issues faced.

Finally, it is noteworthy that the decision notice includes no provision for cyclists to leave their cycles when using the park. Given that one of the key objectives listed at 2.1 of the officer report is to encourage visitors to use alternative modes of transport, it seems strange for no measures to be proposed by the Council to incentivise cycling through secure provision.

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

There are concerns about the quality of the consultation on this important issue. A number of representations refer to the fact the respondents were not aware of the recent formal consultation until late in the day, even with the extension to the consultation period.

The representation from the Friends of Haydons Road Recreation Ground highlights that "many of our members have only just become aware of the consultation". This is concerning as one would have expected that, as a minimum, the Council would have written to all Friends Groups at these four parks to alert them to the consultation. Yet it appears this did not happen as para 5.1 refers only to "the erection of street notices on lamp columns.....and the publication of the Council's intentions in the Local Guardian and the London Gazette". There are similar complaints in the representations from other groups with an interest in their local park.

Even the robustness of the measures set out at 5.1 seems to be questionable with the representation from the Friends of Haydons Road Recreation Ground suggesting that there was no signage displayed at the Haccombe Road entrance to the park which is where the car park is situated. Other representations also refer to the paucity of notices advertising this consultation including one from the Battles Area Residents Association which makes clear that no notices were displayed on any of the park gates or on the SWCA noticeboard within Haydons Road Rec or on nearby lampposts. This is in direct contradiction to what is claimed in the officer report.

Furthermore there is no evidence provided in the officer report to suggest that there had been engagement of any kind with the sports clubs who hire out pitches at these parks for their sporting activities.

There are similar doubts about the “informal consultation....with key stakeholders” referred to at paragraph 5 of the officer report. No information is provided on what the outcome of this informal consultation was nor who the key stakeholders were if not residents and councillors. It is not clear what empirical data on the views of residents and park users was used by the Cabinet Member in his previous decision of April 2017.

Concerns were also raised by ward councillors about the lack of consultation when the Pay & Display machines were initially installed without any warning in the car parks at these four parks back in June 2016. From the very start of this process when the policy for charging was first mooted there have been concerns about the decision being predetermined. The fact that the P&D machines were erected at some considerable cost to the tax payer well in advance of any decision to proceed serves only to reaffirm this.

Such predetermination is demonstrated in the response to a question from Cllr Brian Lewis-Lavender at Full Council in July 2016, when the relevant Cabinet Member stated:

*“In terms of the pricing structure, I understand that it’s still under consultation and I would encourage the councillor to feed into that process.”*

This suggests it was only the pricing structure that was subject to formal consultation whilst assuming that a decision to proceed with some kind of charging was taken as read.

**(c) respect for human rights and equalities;**

It is not clear what assessment has been made of the impact of the Cabinet Member’s decision on the elderly or disabled who may need to use their vehicles to drive to their local park. Similarly there is no assessment included in the report of the impact of this decision on residents and families on low incomes who may struggle to afford these new charges and therefore risk being disenfranchised from enjoying the park if they have to pay to park.

Many residents with children may well have little choice but to drive to the local park, particularly if they have picnics/games/pushchairs etc. to transport there. The same is true of sports club members who hire the pitches and may have sporting equipment with them. Yet there is no recognition of this in the Cabinet Member’s decision notice nor in the officer report

At paragraph 10 the report states that bodies representing motorists are included in the statutory consultation. Yet there is no reference to organisations or community groups representing older or disabled residents or those on lower incomes. It can therefore only be assumed that these organisations were not consulted.

At 10.2 the report states that “the design of the scheme includes special consideration for the needs of....charitable and religious facilities” yet no detail is given as to what this means nor what consideration has been given to the other protected characteristics.

Furthermore, there is no reference in the report to residents in Wandsworth borough despite the fact that they are likely to be impacted by changes to parking arrangements at Wimbledon Park. Indeed one of the representations on the Revelstoke Road car park states: “...it appears that neither LB Wandsworth Council, nor residents there, have been consulted on the proposals. The sole notice advertising the proposals is displayed beside the tiny part of the car park that lies within LB Merton.”

**(d) a presumption in favour of openness;**

It was of considerable surprise to both residents and ward councillors when Pay and Display ticket machines were installed last year in the car park of the parks in question before either residents, park users or ward councillors had been consulted. This demonstrates a clear lack of openness in how this policy has been introduced and the decision making process that has led to it. It was only after considerable pressure from councillors that the Council agreed not to commence this charging scheme until a formal consultation had taken place.

The Council has not made reasonable arrangements to publicise this policy change. It has not been brought to scrutiny in the last year for detailed consideration and is not included in the manifesto on which the current administration was elected.

It is also not clear from the officer report why these specific locations have been chosen nor what specific assessment has been made of issues with parking being experienced at all parks across the borough. As a result, there is no comparative data available on which to base the choice of parks in which to commence charging.

There is also a lack of openness in relation to costs. It is not clear from paragraph 8 of the officer report how much revenue is due to be generated each year from these new charges and how this revenue will be spent other than as part of the Greenspaces budget. In particular no information is given on whether these monies will be ring fenced for use in the four parks where the car park charges are being introduced. Instead it states simply that “the income will be retained within Greenspaces’ accounts and

will support the service's ongoing revenue costs." This means that it is possible the revenue from these four car parks will be used to support parks elsewhere in the borough. Clarity over the intention for the revenue and a commitment from the Council to invest the revenue back into the four parks affected might well have garnered more local support for this policy.

There is also a question mark over why money has been spent already in installing the P&D machines at these parks prior to any consultation or formal decision being taken to proceed with the TMOs. Had a decision been taken not to proceed, what would have been the cost of removing the P&D machines (as will presumably now have to happen at Sir Joseph Hood Memorial Playing Fields)? This suggests that there was always a high probability that the decision would be taken to proceed with some kind of charging regardless of the results of the consultation.

The risk is that the perception of residents and park users is that this decision has been taken predominantly in order to generate revenue for the Council and to deliver on the savings proposal included in the MTFS.

There is also of course the possibility that revenue for the Council could potentially be lost from pitch lettings hire if sports clubs and others are deterred from hiring the pitches due to the cost of parking. Yet this isn't considered anywhere in the officer report.

Finally, in relation to openness, it should be noted that a number of the representations are not fully reproduced in the officer report. Several representations have various words missing on the right hand side of the page. There also remain question marks over the correct allocation of some representations which are listed as 'Comments' when they in fact make clear that the author is opposed to what is being proposed. This suggests they should in fact be listed as 'Representations against'.

#### **(e) clarity of aims and desired outcomes**

There is a discrepancy within the decision notice about the proposed charging period at Haydons Road Rec car park. At 6. C) of the decision notice, it states in relation to all four parks that: "the pay and display bays in car parks are to operate Monday to Friday between the hours of 08.00am and 4.00pm".

However, at 6. E) in relation to Haydons Road Rec, the decision notice states: "Charging period would be between 9am and 4pm". It is not therefore clear whether charging is proposed to start here at 8am or 9am.

Similarly, there is a lack of clarity over when the car parks are due to close. Para 4.5 of the officer report states: "Parking will not be permitted between 11pm and 6am" which suggests the closure time is 11pm.

Yet elsewhere in response to residents' justifiable concerns about the

lateness of this closing time, particular in the winter months, the officer report states: “the opening times...would be Monday to Friday between 8am and dusk”.

There is also a lack of clarity over the difference in pricing proposed for Haydons Road Rec compared to the other three car parks. 4.3 of the officer report states that the difference in the hourly rate proposed is “due to higher level of local demand”. Yet no data is provided as part of the report to support this.

Conversely, the price shown in the decision notice for stays in excess of 4 hours at Haydons Road Rec (£9.60) is less than the flat fee for stays of 4 or more hours in the other three parks (£10.80). Yet no explanation or justification for this price differential is provided and why demand is greater at the lower end of the timescale but less at the higher end.

Finally, the report and decision notice provide no clarity over who will actually operate and police the proposed charging scheme and what the role of *idverde* is to be now that this company is managing the borough’s parks and open spaces. This is highlighted in the representation from the Friends of Haydons Road Rec where it is stated that, despite having identified volunteers willing to open pedestrian access to this park on a rota basis prior to 8am, this has not been able to be implemented due to the relevant keys not being provided to the Friends Group. In this vein, it is not clear who will be responsible for locking the car park gates at the end of each day and what financial implications this might have.

**(f) consideration and evaluation of alternatives;**

The decision notice at section 8 does not offer any other alternative options other than “Do nothing”. It infers that the measures proposed are the only ones practicable.

If, as stated, the aim of this decision is to meet the needs of park users and residents then the report should state alternative options and demonstrate why alternatives would not work as successfully as the proposed measures.

What is clear is that there clearly are alternative options available and some have been suggested by local residents. For example, the parking charges could only apply for a shorter period in order to deter commuters. Or alternatively a maximum stay of 4 hours could be considered with enforcement by the Council of these car parks which would help eliminate commuter car parking. Or the gates of the car park could be opened later as happens at Sir Joseph Hood Memorial Playing Fields.

Another option to assist sports groups which use the parks would be to issue them with tokens for use in the pay and display machines. Yet no evaluation of these options is included as part of the decision making

process.

Finally, there is no reference in the decision notice to the fact that Haydons Road Recreation Ground car park is currently only open at weekends despite the height restrictions having been in place now for some time. Again, there is no consideration or evaluation as part of this decision as to why the car park could not have been opened during weekdays rather than waiting for the introduction of charging.

## **5. Documents requested**

All papers provided to the Director of Environment and Regeneration, the Cabinet Member for Regeneration, Environment and Housing and the Cabinet Member for Community and Culture prior to, during and subsequent to the decision making process on the implementation of parking charges in these parks.

All emails, reports and associated documentation relating to the implementation of parking charges in these parks provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers over the last 5 years.

Meeting notes of all meetings between officers / Cabinet Members and any third parties on the implementation of parking charges in these parks.

Any correspondence between the relevant Cabinet Members and external organisations on the implementation of parking charges in these parks.

Any correspondence between relevant council officers and external organisations on the implementation of parking charges in these parks.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to a) the policy to introduce parking charges at these parks; and b) the Cabinet Member's current and previous decision on this.

The risk analysis conducted in relation to a) the policy to introduce parking charges at these parks; and b) the Cabinet Member's current and previous decision on this.

Detailed financial analysis of a) the policy to introduce parking charges at these parks; and b) the Cabinet Member's current and previous decision on this, including income due to be generated for the council over the medium

term and projections for the amount of revenue from pitch lettings hire that could potentially be lost to the council through introduction of the policy.

A breakdown of precise details of how the revenue generated from the parking charges will be spent by the Greenspaces team.

The detailed analysis by Merton Council of the usage of these four car parks on both weekdays and weekends.

Formal assessment of issues with parking experienced at all parks across Merton.

Details of the informal consultations carried out with key stakeholders as referred to at paragraph 5.1 of the officer report (including a list of all 'key stakeholders').

## **6. Witnesses requested**

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

Cllr Nick Draper, Cabinet Member for Community and Culture, LB Merton

Doug Napier, Leisure and Culture Greenspaces Manager, LB Merton

Alan Trumper, Parks Development and Investment Manager, LB Merton

Paul Walshe, Head of Parking and CCTV Services, LB Merton

Mitra Dubet, Future Merton Commissioning Manager, LB Merton

Kris Witherington, Consultation & Community Engagement Manager, LB Merton

Senior representative from *idverde*

Representative from Friends of Tamworth Recreation Ground

Dr Nick Steiner (or another representative), Friends of Wimbledon Park

Sim Comfort (or another representative), Wimbledon Park Heritage Group

Iain Simpson (or another representative), Wimbledon Park Residents' Association

Southfields ward councillors, LB Wandsworth

Jeff Gunn / Ellen Kennedy (or another representative), Friends of Haydons Road Recreation Ground

Hilary Morris (or another representative), Battles Area Residents' Association

James Congrave (or another representative), Abbey Recreation Ground Friends Group

Representative from Willmore End Residents' Association

Representative from Colliers Wood Bowls Club

Representative from Tooting FC (which uses some of the pitches at Haydons Road Recreation Ground for training)

Representative from the cricket team which uses the pitch and pavilion at Haydons Road Recreation Ground

Representative from the lacrosse team (which uses the pitch at Haydons Road Recreation Ground)

Representatives from each of the other sports clubs that hire facilities at these four parks.

Representative from Merton & Wimbledon Mumsnet

Representative from Merton Seniors' Forum

Representative from any other residents' associations in the borough which have contacted council officers about this proposal during the 3 years prior to the Cabinet Member's decision

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



**Cllr Charlie Chirico**



**Cllr James Holmes**



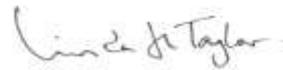
**Cllr Abdul Latif**



**Cllr Janice Howard**



**Cllr Oonagh Moulton**



**Cllr Linda Taylor**

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

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

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

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)
- **OR** as a signed paper copy to the Head of Democracy Services, 7<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

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