

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: 21 December 2018

Dear Councillor

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

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

**) Proposed Waiting Restrictions Borough Wide 2018 Batch 3
(Statutory Consultation)**

and will be implemented at **noon on Friday 28 December** 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

**Amy Dumitrescu
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

Proposed waiting restrictions borough wide 2018 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

21 December 2018

5. Date report made available to decision maker

19 December 2018

6. Decision

1) Notes the result of the statutory consultation carried out between 27th September and 19th October 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.

2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-669-01 – Z27-669-07 (excl. Z27-669-02).

3) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Alternative options considered and why rejected

Do nothing. This would be contrary to the concerns expressed by the local communities, and would not resolve the dangerous and obstructive parking that is currently taking place.

8. Documents relied on in addition to officer report

None

9. Declarations of Interest

None



Cllr Martin Whelton

Cabinet member for regeneration, housing and transport,

21 December 2018

Cabinet Member for Regeneration, Environment and Housing:

Date: 19th December 2018

Agenda item:

Ward: Various

Subject: Proposed waiting restrictions borough wide 2018 Batch 3 (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: 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 27th September and 19th October 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-669-01 – Z27-669-07 (excl. Z27-669-02).
- 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 the outcome on the Councils' proposals to introduce waiting restrictions across the borough operating 'at any time'.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce waiting restrictions at various locations across the borough operational 'at any time' as shown in drawing nos. Z27-669-01 – Z27-669-07 (excl. Z27-669-02).

2 BACKGROUND

- 2.1 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from 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. Each request is added to a rolling programme for investigation and the appropriate recommendations and the proposals are formulated in one report.

3 STATUTORY CONSULTATION

- 3.1 The statutory consultation on the Council's proposal to introduce waiting restrictions at various locations across the borough commenced on 27th September and concluded 19th October 2018. The consultation included the erecting 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 drawing 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 Locations of proposals are as follows (drawing plans can be found at appendix A),
1. Martin Way, SM4
 2. Church Road, CR4
 3. Lower Morden Lane, SM4
 4. Lower Morden Lane / Garth Road, SM4 (bend where roads join)
 5. Garth Road, SM4 (opp. junction with Garth Close)
 6. Aragon Road, SM4
- 3.3 The statutory consultation resulted in the Council receiving 5 representations to the proposals, which includes 3 representations to Martin Way and 2 representations to Garth Road, opposite the junction with Garth Close. The representations are further detailed in section 4 and the content of the representations can be found in appendix B.
- 3.4 It is important to note that the council must strike a balance of ensuring safety and maintaining unobstructed traffic flow whilst acknowledging the parking needs of the community.

Ward Councillor Comment

- 3.5 Ward Members of the wards affected by the proposals have been engaged during the statutory consultation process with the proposals.
- 3.6 No objections received from any Ward Councillors.

4 REPRESENTATIONS RECEIVED

- 4.1 **Martin Way, SM4.** This proposal was in response to residents' concerns, supported by Ward Councillors, regarding obstructive parking taking place over the rail bridge hindering moving traffic, especially with vehicles parking too close to the pedestrian refuge islands reducing carriageway width for busses, and other large vehicles, to pass. The Council's refuse collection team also reported difficulties accessing the service road to the rear of properties nos. 62 – 78 Martin Way due to parked vehicles on this narrow section of carriageway reducing the width for refuse collection vehicles to pass.
- 4.2 The Council received 1 representation in full support to the proposal and 2 representations in support but objecting to an element of the proposal.
- 4.3 The objections are based on the loss of parking in the service road to access the rear of nos.62 – 78 Martin Way. Details can be found in appendix B.
- 4.4 The carriageway width of the service road to access the rear of nos.62 – 78 Martin Way is 4.3 metres, not sufficient width to accommodate parking on one side whilst allowing refuse / emergency vehicles to comfortably pass. The Council has a statutory duty to ensure safety and access for moving traffic on the public highway, especially refuse vehicles and emergency service vehicles and this takes priority over loss of parking. The restrictions will help to improve safety for all road users (pedestrians using the footpath) and will ensure that access is maintained at all times.
- 4.5 **Garth Road, SM4.** In response to residents' concerns raised with vehicles parking along a kerb build out opposite its junction with Garth Close, parked vehicles are causing obstruction moving traffic due to the narrow width of the carriageway and obstructing vehicles exiting Garth Close onto Garth Road.

- 4.6 Two representation were received in support of the proposal. Details can be found in appendix B.

5 TIMETABLE

- 5.1 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.

6 ALTERNATIVE OPTIONS

- 6.1 Do nothing. This would be contrary to the concerns expressed by the local communities, and would not resolve the dangerous and obstructive parking that is currently taking place.

7 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 To introduce the proposed restrictions will cost approximately £4.4k. 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 2018 / 2019.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1 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.
- 8.2 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.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1 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.
- 9.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.
- 9.3 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.
- 9.4 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.
- 9.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

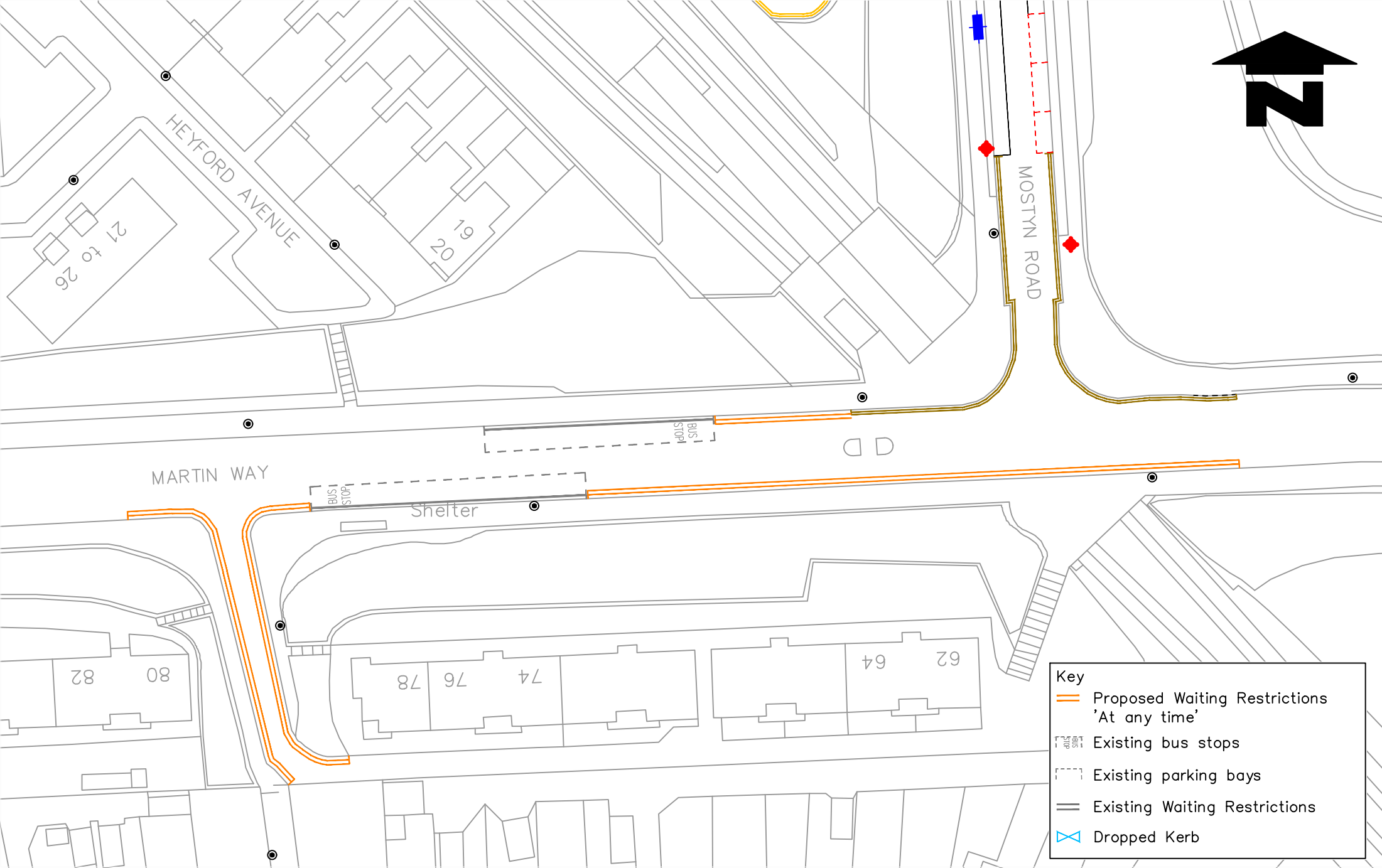
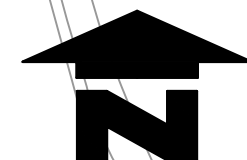
10 RISK MANAGEMENT IMPLICATIONS

- 10.1 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.
- 10.2 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.

11 APPENDICES

- 11.1 The following documents are to be published with this report and form part of the report.
- 11.2 Appendix A - Drawing Nos. Z27-669-01 – Z27-669-07 (excl. Z27-669-02)
- 11.3 Appendix B - Representations and Officer's Comments

Appendix A - Drawing Nos. Z27-669-01 – Z27-669-07 (excl. Z27-669-02)



Key

- Proposed Waiting Restrictions 'At any time'
- Existing bus stops
- Existing parking bays
- Existing Waiting Restrictions
- Dropped Kerb

Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date

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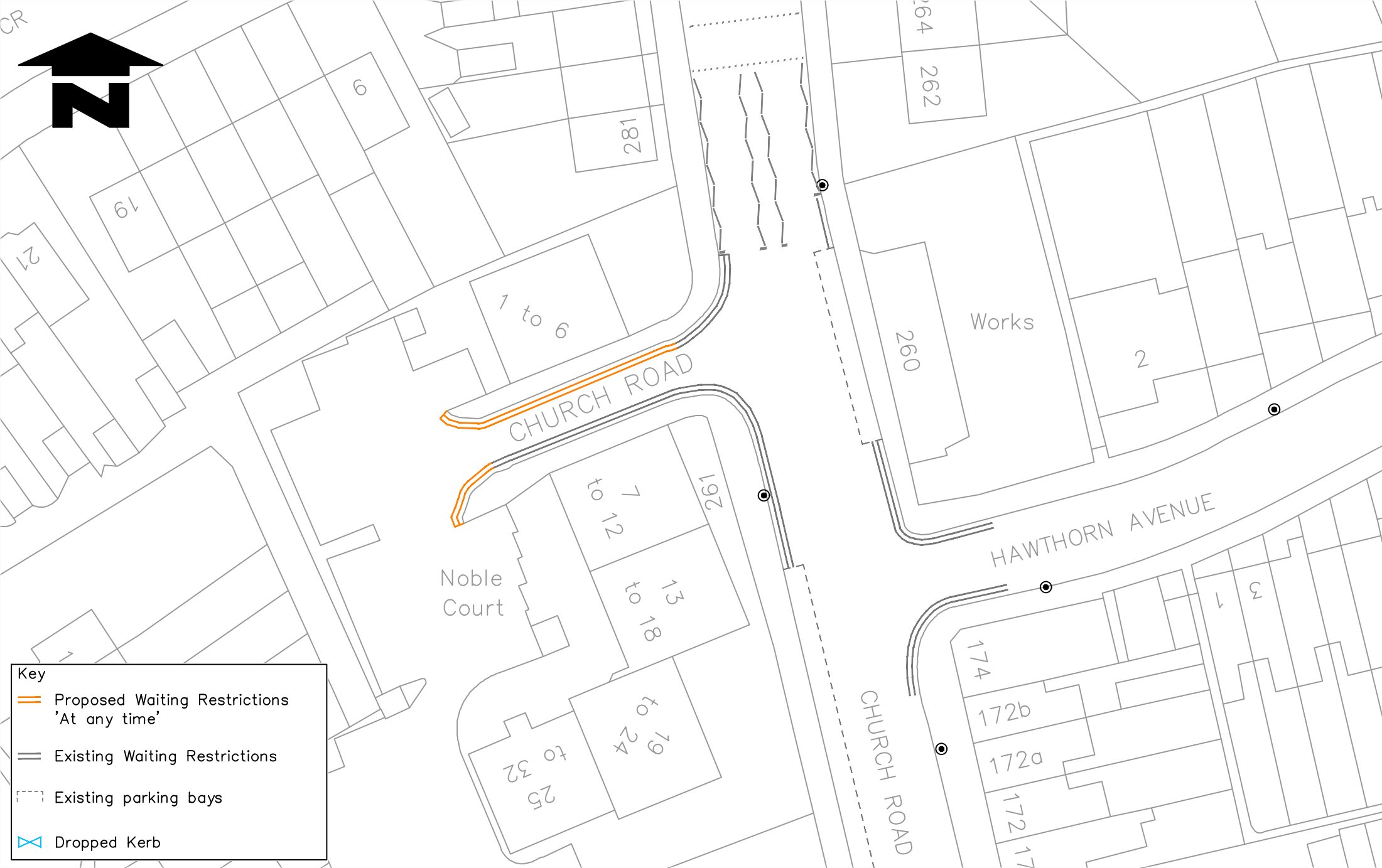
Drawn by BC	Sig.	Date May 2017
Checked by	Sig.	Date May 2017
Approved by	Sig.	Date May 2017

PROJECT
Waiting Restrictions (Proposed)

TITLE
Martin Way SM4

Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No. Z27-669-01
Revision -
Classification CONSULTATION
Scale 1: 500



Key

- ▬ Proposed Waiting Restrictions 'At any time'
- Existing Waiting Restrictions
- Existing parking bays
- X Dropped Kerb

Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date

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Drawn by BC	Sig.	Date May2017
Checked by	Sig.	Date May2017
Approved by	Sig.	Date May2017

PROJECT
Waiting Restrictions (Proposed)

TITLE
Church Road SW19

Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No. Z27-669-03
Revision -
Classification CONSULTATION
Scale 1: 500



LOWER MORDEN LANE

BUTTERMERE CLOSE

63 to 69

62

61

60

58

59




289

275

CARLINGFORD ROAD

273

Key

-  Proposed Waiting Restrictions 'At any time'
-  Existing Waiting Restrictions
-  Dropped Kerb

Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date



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Approved by	Sig.	Date May 2017

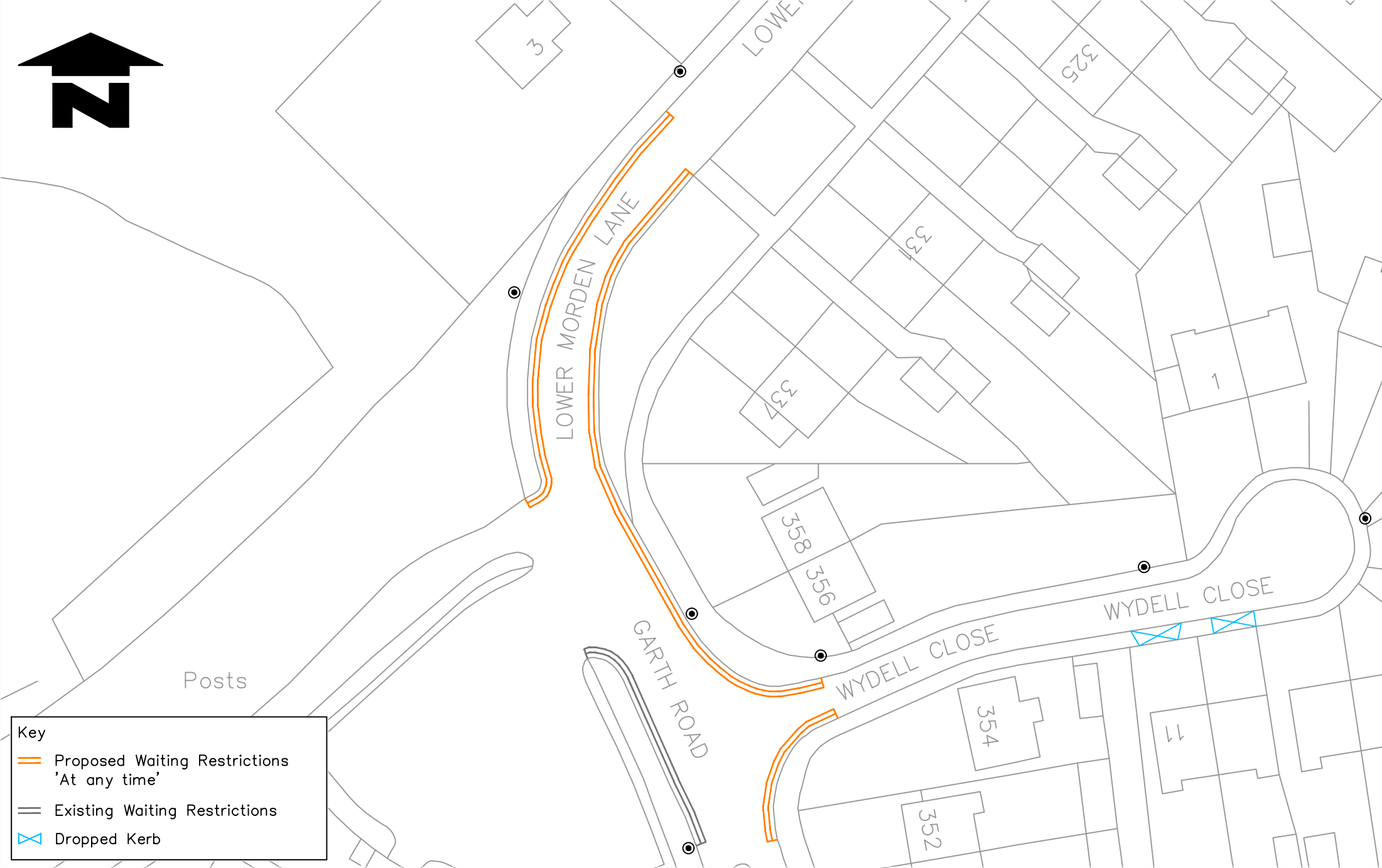
PROJECT
Waiting Restrictions (Proposed)

TITLE
Lower Morden Lane, SM4



Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No. Z27-669-04
Revision -
Classification CONSULTATION
Scale 1: 500



Key

- Proposed Waiting Restrictions 'At any time'
- Existing Waiting Restrictions
- Dropped Kerb

Notes
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Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date



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Checked by	Sig.	Date May 2017
Approved by	Sig.	Date May 2017

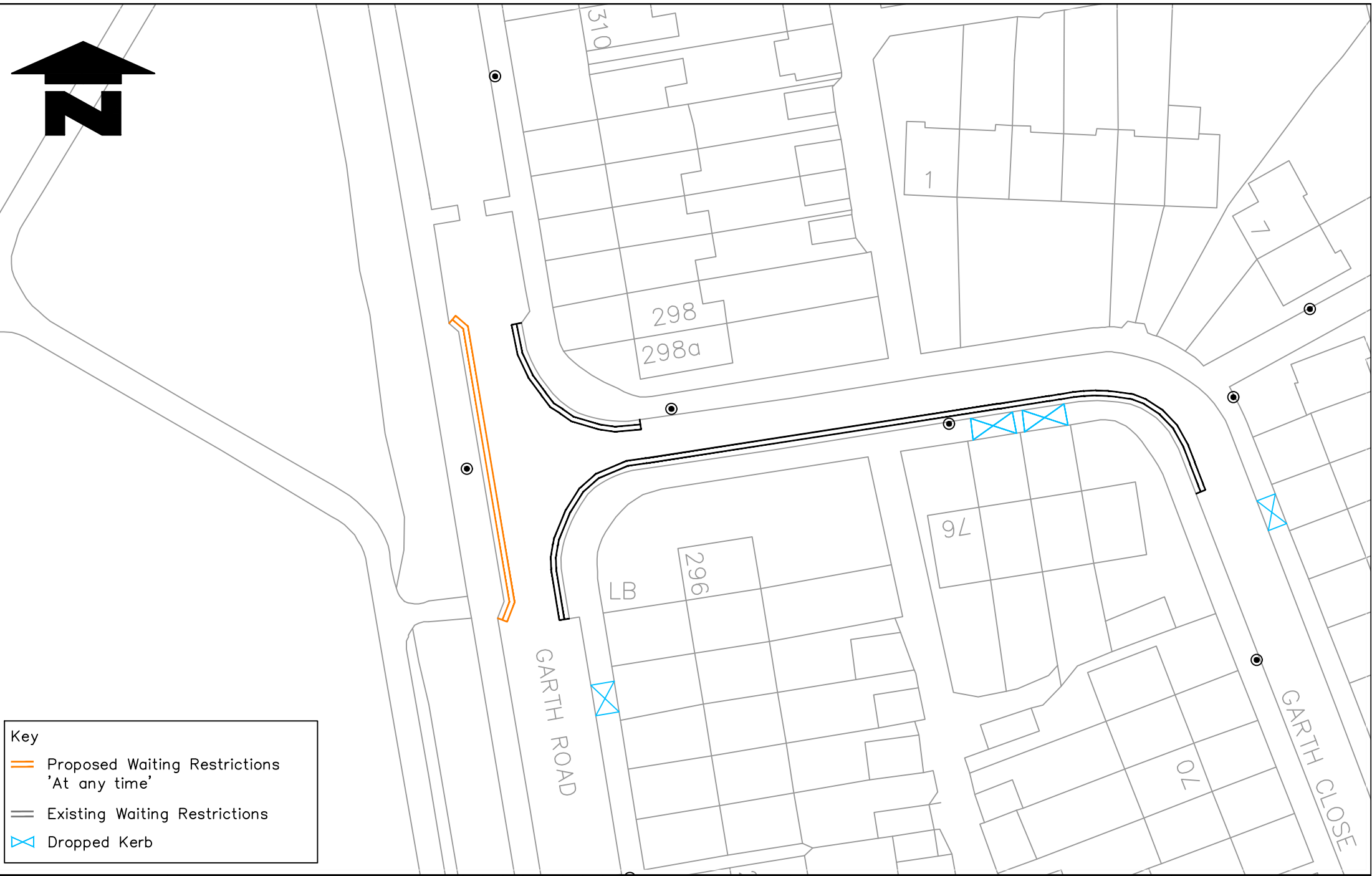
PROJECT
Waiting Restrictions (Proposed)

TITLE
Garth Road junction with Lower Morden Lane, SM4



Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No. Z27-669-05
Revision -
Classification CONSULTATION
Scale 1: 500



Key

- Proposed Waiting Restrictions 'At any time'
- Existing Waiting Restrictions
- Dropped Kerb

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Drawn by BC	Sig.	Date May 2017
Checked by	Sig.	Date May 2017
Approved by	Sig.	Date May 2017

PROJECT
Waiting Restrictions (Proposed)

TITLE
Garth Road SM4



Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No.	Z27-669-06
Revision	-
Classification	CONSULTATION
Scale	1: 500



Primary School

297




285

ARAGON ROAD

273

Aragon Primary School

Key

-  Proposed Waiting Restrictions 'At any time'
-  Existing Waiting Restrictions
-  Dropped Kerb

Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date



Sustainable Communities
environment & regeneration

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Drawn by BC	Sig.	Date May 2017
Checked by	Sig.	Date May 2017
Approved by	Sig.	Date May 2017

PROJECT
Waiting Restrictions (Proposed)

TITLE
Aragon Road SM4



merton
Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX
www.merton.gov.uk

Drawing No. Z27-669-07
Revision -
Classification CONSULTATION
Scale 1: 500

Appendix B - Representations and Officers' Comments

Martin Way, SM4

ES/WR2018B3/001

I am extremely keen to respond to your notice, dated 27 September, about the proposal to double yellow line part of Martin Way and the entrance to my flats, where parked cars prevent Veolia from collecting rubbish.

Having fallen in Martin Way, because I slipped on black ice when I caught sight of a car, which was attempting to pass the parked cars and coming towards me, and then having to have outpatient treatment at St Helier, I believe that cars need to be prevented from parking in the section before the bus stop, because it is dangerous for pedestrians trying to cross the road.

As to blocking the entrance to the access road to my flats, Mr Kenny and Publicspace are aware of the problems this causes with vermin attracted to the rubbish, when bins are overflowing. I do report this, when it happens and Veolia does attend, when it can gain access.

ES/WR2018B3/003

I'm writing to object the double yellow lines being put in on side road of martin way we have very little parking as it is however I do think you should put some kind of parking restrictions there from the hours of 9am-5pm as this will give the residence a place to park when returning from work etc. as for the waste collection team being unable to drive around to collect the rubbish I don't see how this how now become an issue as I've lived here for the last 5 years and there was never a problem until the change of contract this has also happen in a few other road very close to this area maybe that needs looking into.

I do however totally agree with the double yellow lines been putting on the hill as this is becoming ridiculous with the obstruction from parked cars.

ES/WR2018B3/004

I support use of double yellow line on the main road, opposite Mostyn Road, in front of the bus stop.

However when looking at the map on the reverse of the letter it also appears that yellow line will be placed on the slip road which leads to rear of the flats of 62-78. I would object to placing yellow line here as this would be at the loss of the resident. As best to my knowledge the cars parked here are those of residence.

Officer's Comments:

The aim of the proposal is to maintain clear access through the road, especially to assist emergency and waste collection services. The carriageway width of the service road to access the rear of nos. 62 – 78 Martin Way being 4.3 metres is not sufficient to accommodate parking on one side whilst allowing refuse / emergency vehicles to comfortably pass. The request for parking restrictions in the service road has specifically been requested from refuse collection operatives.

It is important to note that waiting restrictions are proposed where parking cannot be accommodated without causing obstruction, where parking can be accommodated restrictions are not proposed. I appreciate that parking may be a priority for you but as the Traffic and Highway Authority, Council's priority is to ensure that safety and access are maintained at all times.

Garth Road, SM4

ES/WR2018B3/001

I live in Garth Close. Recently it has become the norm for cars to park opposite the entrance to Garth Close, although there is a parking restriction (protruding curb and pillars) and traffic calming junction immediately at the end of the close.

This is making turning out of the close more and more dangerous if not to say impossible. The traffic backs up in both directions because the traffic coming from London Road cannot get close to the junction as there is a car that parks OVER the broken give way line as well as the cars that park along that stretch too, does not give the driver enough time to pull out from behind the park cars and get across the chicanes.

I believe some of the other residence have emailed this department regarding this serious and important issue, the reply they received from the Highways was that, A statutory consultation and Cabinet Minister approval will be required and we will progress this in Autumn/ Winter. Could you please tell me what this means and what is involved and what constitutes 'Autumn/Winter'? Who is the cabinet minister that will have to approve this and we address this problem to? Our local parliament representative or - the House of Commons, or??

I am at a loss as to why cabinet ministers are to be involved, surely it is a question of painting double yellow lines along that stretch of road in order to stop cars being parked there

I have attached pictures so you can see how dangerous this issue is becoming and look forward to a positive reply that does not include waiting to Autumn/Winter and a cabinet ministers approval to expedite a very simple solution to the problem.

ES/WR2018B3/005

I live in Garth Close. Recently it has become the norm for cars to park opposite the entrance to Garth Close, although there is a parking restriction (protruding curb and pillars) and traffic calming junction immediately at the end of the close.

This is making turning out of the close more and more dangerous if not to say impossible and especially during the working week and at peak times it is nearly impossible to pull out safely. The traffic backs up in both directions because the traffic coming from London Road cannot get close to the junction as there is a car that parks OVER the broken give way line as well as the cars that park along that stretch too, this does not give the driver enough time to pull out from behind the park cars and get across the chicanes.

I believe some of the other neighbours have emailed this department regarding this serious and important issue, the reply they received from the Highways was that, a statutory consultation and Cabinet Minister approval will be required and we will progress this in Autumn/ Winter. Could you please tell me what this means and what is involved and what constitutes 'Autumn/Winter'? Who is the cabinet minister that will have to approve this and we address this problem to? Our local parliament representative or - the House of Commons. Surely this is something that could be dealt with locally?

Surely it is a question of painting double yellow lines along that stretch of road in order to stop cars being parked there.

Merton Council - call-in request form

1. Decision to be called in: (required)

--

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 – see part 4E section 16 of the constitution

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

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

The form and/or supporting requests must be sent:

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

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

020 8545 3864