

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: 3 September 2020

Dear Councillor

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

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

) **Merton High Street – Mandatory Cycle Lane with Light
Segregation**

and will be implemented at **noon on Tuesday 8 September 2020** 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**

Delegated Report

Cabinet Member for the Cabinet Member for Regeneration, Housing and Transport

Date: 27 August 2020

Agenda item: N/A

Wards: Abbey Ward & Colliers Wood

Subject: Merton High Street-Mandatory Cycle Lane with Light Segregation

Lead officer: Chris Lee, Director of Environment & Regeneration

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

Forward Plan reference number: N/A

Contact Officer: Paul Miles 0208 545 4869

Email: paul.miles@merton.gov.uk

Recommendations:

That the Cabinet Member considers the issues detailed in this report and

- A) Notes the objections from residents and traders regarding the proposed Mandatory Cycle Lane with light segregation on Merton High Street between Haydon's Road and the Bus Garage. Please see plan in appendix 1.
- B) Considers and agrees one of the options as set out in section 5 of this report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out Council's proposals to introduce a mandatory cycle lane with some segregation along Merton High Street and presents the objections received from some local businesses and residents regarding loss of waiting and loading facilities along Merton High Street.

2. BACKGROUND

- 2.1 In line with Government guidelines in response to the Covid-19 pandemic, all local authorities are tasked to encourage the use of active travel such as cycling and to ensure that safe cycle provisions are provided by reallocating road space to cyclists.
- 2.2 During the pandemic, there has been an increase in demand and in the number of cyclists of varying abilities using the network. Due to this increase and with the support from the London Streetscape Guidance, Merton is actively making the road environment safer and more welcoming as lockdown restrictions are eased and with restricted public transport, more journeys will be made on foot and by bike.
- 2.3 The Council has secured some DfT/TfL funding to introduce a cycle lane along Merton High Street (East of Haydon's Road), that will be linked to CS7 (cycle superhighway between Colliers Wood and Balham). The proposal is to improve the existing infrastructure by upgrading the existing advisory cycle lane to Mandatory with light segregation that will prohibit vehicular access along the kerbside at all times.

3. PROPOSED MEASURES

- 3.1 The existing advisory lane between Haydon's Road and the Bus Garage is to be upgraded from to a mandatory lane with light segregation in the form of cycle lane defenders. Please see appendix 1.
- 3.2 The proposed measures will remove all existing waiting and loading provisions along this section of Merton High Street and waiting and loading will need to take place from the side roads.

4. CONSULTATION

- 4.1 The scheme will be introduced under an experimental order made under section 9 of the Road Traffic Regulation Act 1984 making changes to the parking and waiting / loading restrictions. A notice of making will be published in the local newspaper as well as in the London Gazette. The experiment will run for a maximum of 18 months, giving local residents and businesses the opportunity to comment on the scheme within the first 6 months. Pending on the feedback received the scheme could be made permanent amended or removed.
- 4.2 A notification letter was sent out to all frontages on 16th July 2020 (see appendix 2). Objections to the loss of loading facilities on the High Street itself have been received. Although it is not normal practice to address objections prior to the start of the Experimental Order, given the level of concerns raised by residents and businesses, it is considered prudent to address these objections early in the process and consider alternative options. Following the receipt of the objections, the project engineer discussed the proposals and alternative arrangements with the objectors' representatives and devised an alternative option (appendix 3) that would involve allowing loading / unloading at strategic points along Merton High Street. Although the request is for a much longer period, it is considered to be a reasonable compromise to allow loading between 10.30 and 14.30. This, however, would make the cycle lane less effective as it would not be possible to install some of the cycle lane defenders.
- 4.4 A third representation has been received from Licence Taxi Drivers Association (see appendix 2) concerned about their ability to pick up passengers particularly those who are mobility impaired. Although not ideal, passengers would need to be picked up from the side roads. To accommodate everyone's needs would mean abandoning the scheme altogether or introducing a less than ideal scheme with little benefit.
- 4.3 Ward councillors were notified of the scheme and a copy of the proposal was sent on 4th July 2020. No objections were received.
- 4.5 All Emergency Services were sent a copy of the Council's proposal.

5.0 RECOMMENDATIONS

- 5.1 It is recommended that the Cabinet Member considers the representations received and agrees to one of the following options

Option 1

To proceed with the proposed scheme to maximise cycling provisions on Merton High Street.

Option 2

To allow restricted loading provisions for frontages that would facilitate their needs but would compromise the overall objective of the proposed cycle lane facility. The proposal would mean that although parking would not be permitted, loading only would be permitted during 10.30 and 14.30.

6.0 ALTERNATIVE OPTIONS

- 6.1 Do Nothing. This would be contrary to the Council's commitment in improving cycling throughout the borough particularly along strategic routes.
- 6.2 To modify the proposed scheme by allowing loading at strategic points along Merton High Street. This would make the cycle lane less effective but would be a reasonable response to the concerns regarding loading.

7.0 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 The cost of implementing this scheme is estimated at £18k which includes the cost of making the relevant Traffic Management Order.
- 7.2 The cost of this scheme will be funded from the TfL London Streetspace budget allocation for this specific scheme.

8.0 LEGAL AND STATUTORY IMPLICATIONS

- 8.1 The scheme will be introduced under an experimental order made under section 9 of the Road Traffic Regulation Act 1984 making changes to the parking layout and waiting restrictions. 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.

9.0 HUMAN RIGHTS & EQUALITIES AND COMMUNITY COHENSION IMPLICATIONS

- 9.1 The implementation of any scheme endeavours to meet the needs of all road users particularly cyclists.

10. CRIME AND DISORDER IMPLICATION

- 10.1 N/A

11.0 ENVIRONMENTAL IMPLICATIONS

- 11.1 When determining the type of parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (a) the need for maintaining the free movement of traffic, (b) the need for maintaining reasonable access to premises, and (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway
- 11.2 By virtue of section 122, the Council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters: -
- (a) the desirability of securing and maintaining reasonable access to premises.
 - (b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
 - (c) the national air quality strategy.
 - (d) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
 - (e) any other matters appearing to the Council to be relevant.

APPENDICES

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

Appendix 1- Newsletter / plan

Appendix 2- Representations

Appendix 3 – plan for option 2



Traffic & Highway Services
 London Borough of Merton
 Merton Civic Centre
 London Road
 Morden SM4 5DX

Direct Line: 020 8545 3054
 Fax: 020 8545 3038
 Our Ref: 20016682
 Date: 16 July 2020

**COVID-19 TEMPORARY SAFETY MEASURES
 MERTON HIGH STREET, BETWEEN HAYDONS ROAD AND BUS GARAGE
 EXPERIMENTAL MANDATORY CYCLE LANE WITH LIGHT SEGREGATION**

Planned Works

As part of Merton’s response to providing enhanced and safer facilities and encouraging walking and cycling, an upgrade to the existing cycle lane will be introduced experimentally on Merton High Street (East of Haydons Road to Bus Garage). This will link to C7 cycle lane toward Tooting.

This involves upgrading the existing Advisory lane to a Mandatory lane with some light segregation in the form of cycle lane defenders. The mandatory cycle lane will mean that no waiting or loading will be allowed on this section of Merton High Street at anytime and such activity will need to be undertaken from the side roads. Where possible, the Council would be willing to review the restrictions in the side roads to accommodate loading /unloading facilities for the local businesses.

Date and Time of Works

The upgrade of the cycle lane could be carried out as soon as 20 July 2020, weather permitting and the cycle lane defenders will follow with installation dates to be confirmed. See the general layout plan overleaf.

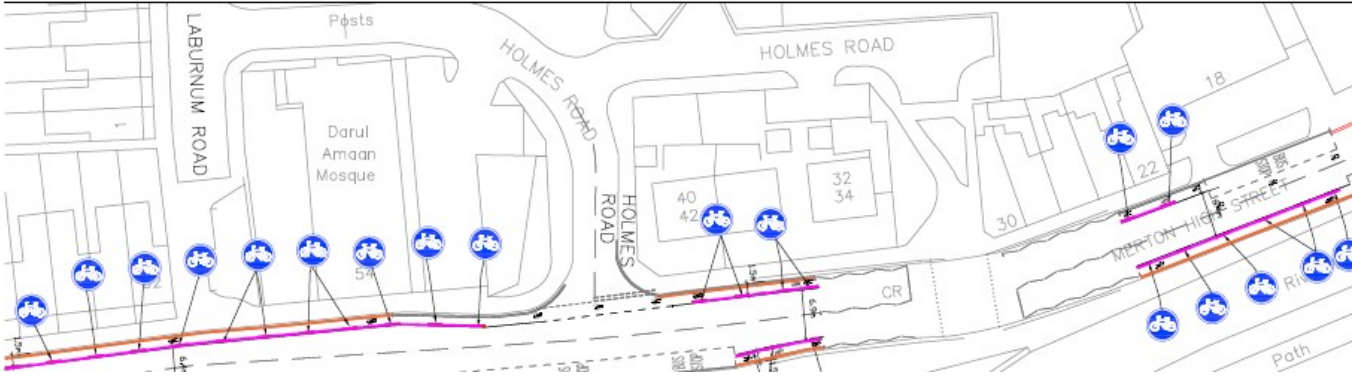
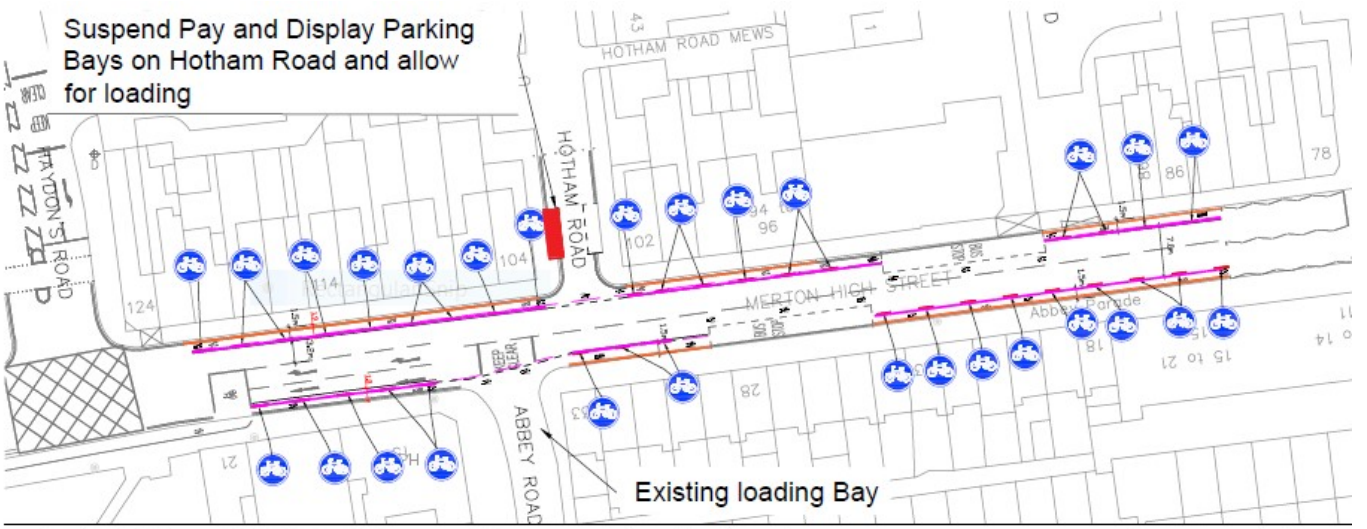
Further Information and Contact Details for the Works

The people looking after these works are:

Paul Miles	Merton Council Engineer:	020 8545 3054
Gus Smith	FM Conway Ltd, Contract Manager	077 4863 2920 / 020 8636 8822

FM Conway will erect information boards on site and their staff will be able to update you on the progress as the works proceed.

Suspend Pay and Display Parking Bays on Hotham Road and allow for loading



17th July 2020

Dear Sir/Madam

**“Covid-19 Temporary Safety Measures
Merton High Street, Between Haydons Road & Bus Garage
Experimental Mandatory Cycle Lane with Light Segregation”**

Please accept this as objection to the above proposal. This has been implemented without any consultation and sorry to say common sense.

Already struggling businesses will struggle even further with no parking allowed 24/7. Only 1 loading bay on a side road which is not sufficient nor is convenient to all.

There is already existing cycle lane with parking restrictions and now segregate and blocking at all times? So no vehicle can park on Merton High Street at anytime. This is not Wimbledon Town Centre but a just small independent parade of shops.

ie: The off license who operate until 11pm at 110 Merton High Street, passing by customers will no longer able to park to purchase goods (customers will not bother to park on side road that's even if a parking spot is even free).

Same goes with the takeaways 100 & 114 are only open from 5pm to 11pm. They will loose customers who collect food; their majority business is by delivery which will affect them greatly as drivers need to park further away.

Other businesses such as grocery store at 112A, OK Launderette at 102, Supply & Fitted, Offices at 106 & 108 etc all have customers/suppliers collecting/delivering goods/products etc thru out the day obviously maintaining parking restrictions to load/unload. How will this happen now?

What about the residents living above? They now have to carry shopping from far with multiple trips back and forth from vehicles with some have existng medical issues. Also some of the residents have disabilities which they have to walk further to get into a vehicle.

Also note this will make the road even narrower especially for the t Abbey Road from Merton High Street as currently someone turning Abbey Road the other vehicle could under pass to go straight but c segregation is in place this cannot be done, this will cause build up the way to Haydons Road junction causing more disruptions.

Please can you look into this as matter of urgency as this has beer

Representation 2

Dear Sir,

Further to our conversation on 20/7/20 regarding the intention to prevent loading at any time along Merton High Street. My business is TV repair and my customers bring and take away their TVs.

The TVs nowadays or usual 40" to 55". The side roads close to my shop have been blocked off years ago.

I do not understand with the no loading restriction does not apply only during the busy rush hour times.

Will the no loading restriction apply to bus stops ? The bus stop outside the Blue Cross is used by buses to park for a few minutes

Representation 3

From: xxxxxxxxx <xxxxxxx@ltda.co.uk>

Sent: 27 August 2020 12:16

To: <@merton.gov.uk>

Cc: xxxxxxxxx <xxxxxxx@ltda.co.uk>; xxxxxxxxx <xxxxxxxxxxx@newingtoncomms.co.uk>

Subject: RE: COVID-19 TRAFFIC SCHEME NOTIFICATION – Merton High Street – Cycle Lanes Segregated with Cycle Lane Defenders

Dear Sir

Thank you for your emailed consultation letter.

I write to you because we are concerned that the proposed Cycle Lane Defenders would make it difficult for Taxis to stop to load or unload people in wheelchairs because they would be unable to access the kerb which is a requirement to be able to use the specialist wheelchair loading ramps which are fitted to all London Taxis.

The Cycle Lane Defenders would also increase the danger for other people that would have to cross the cycle lane in order to board or alight from a Taxi, this would include many less ambulant and blind and partially sighted people.

London's Taxis are the only form of Public Transport that many people with accessibility issues are able to use and the Coronavirus emergency has meant that many more people who have been shielding from the disease take Taxis because it is the only Public transport option where social distancing can be maintained.

Please let us know what you are doing to ensure that Taxis can pick up and set down their passengers safely in Merton High Street,

Yours Faithfully

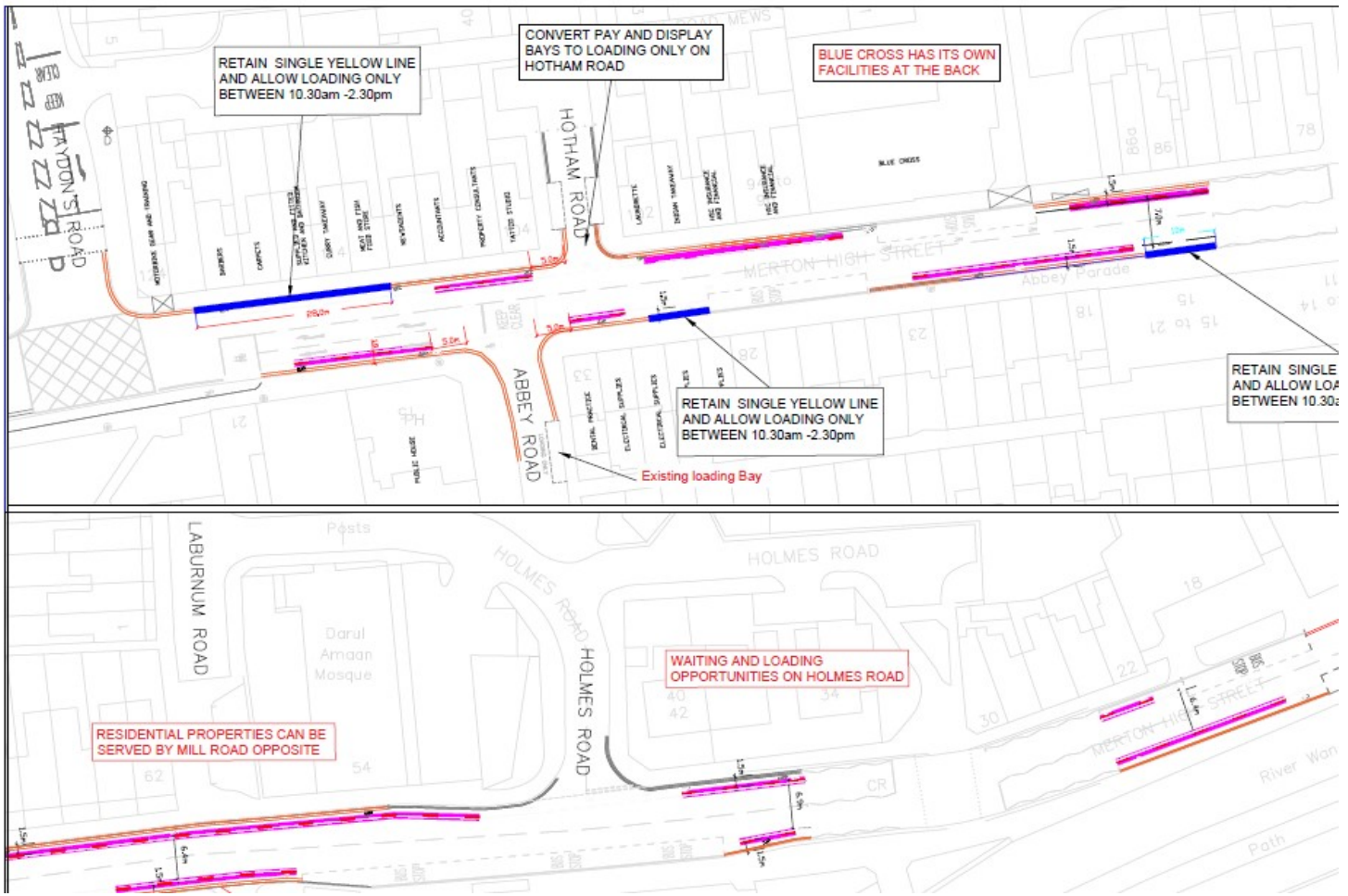
XXXXXXXXXXXXXXXXXX

Chairman



Licensed Taxi Drivers Association
Taxi House
133-135 Great Suffolk Street
London SE1 1PP

Appendix 3 – plan for option 2



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.

Title of report: **Merton High Street-Mandatory Cycle Lane with Light Segregation**

Reason for exemption (if any) – N/A

Decision maker

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

Date of Decision

1 September, 2020

Date report made available to decision maker

27^h August 2020

Decision

Having considered the officer's recommendations and the representations I have decided to go with option 2 to allow loading between 10:30 and 2:30 and to introduce a mandatory cycle lane

Reason for decision

This proposal will improve the environment and safety for cyclists on this route. As a council we know businesses have been through challenging times and this measure would see also provide some level of support alongside safer cycling

Alternative options considered and why rejected

To not allow loading at any time would impact on businesses on Merton High Street. To not implement at all would not be promoting active travel and these measure will improve the environment for cyclists

Documents relied on in addition to officer report

N/A

Declarations of Interest

N/A



Clr Martin Whelton
Cabinet member for regeneration, housing and transport
2 September, 2020.

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 – 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 and Electoral Services, 1st floor, Civic Centre, London Road, Morden SM4 5DX.

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