

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: 11 May 2015

Dear Councillor

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

The attached decision has been taken by the Cabinet Member, with regards to **New Type of Permit – Market Trader Parking Permit** and will be implemented at noon on Thursday, 14 May 2015 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

A handwritten signature in blue ink, appearing to read "M.J. Udall".

M.J. Udall
Democracy Services

NON-KEY DECISION TAKEN BY A CABINET MEMBER

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)

New type of permit – market trader parking permit

2. Decision maker

Cabinet Member for Environmental Sustainability & Regeneration

3. Date of Decision

11th May 2015

4. Date report made available to decision maker

11th May 2015

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

N/A

6. Decision

I, Councillor Andrew Judge, the Cabinet Member for Environmental Sustainability and Regeneration agree to;

A) The undertaking of a statutory consultation and the creation of relevant TMOs to enable the issuing of trader parking permits in Merton.

7 Reason for decision

Proposals accord with the objectives of the Rediscover Mitcham Project. Majority support for the proposals, with no substantive objections.

8 Documents relied on in addition to officer report

None

9 Declarations of Interest

None

10 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.



11th May 2015

Delegated report - Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Date: 30th April 2015

Agenda item:

Wards: Borough wide

Subject: New Type of Permits – Market trader parking permit

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Forward Plan reference number: N/A

Contact Officer: Anthony Bailey, Tel: 020 8545 4675

email: anthony.bailey@merton.gov.uk

Recommendations

That the Cabinet Member considers the issues detailed in this report and agrees to:

- A) The undertaking of a statutory consultation and the creation of relevant TMOs to enable the issuing of trader parking permits in Merton.

1 BACKGROUND

- 1.1. As part of the Rediscover Mitcham Town Centre project Merton Council is proposing to introduce new permits to allow market traders to load and unload their stalls alongside the market area on the Fair Green. Specific trader bays have been included on Upper Green East as part of the street and landscape redesign of the Fair Green. It is intended that these bays will operate between 6am – 9am and 3pm – 6pm only. Outside of these times no loading or parking will be allowed in these bays which will operate as footway to increase useable pedestrian space whilst the market is in operation.
- 1.2. A consultation was held in October 2014 where businesses and residents on and around the Fair Green were consulted on parking proposal for the new perimeter street on Upper Green East and West. The proposals for new trader permits were included as part of this consultation and no objections or comments were received about them.
- 1.3. Before work started on the Fair Green (Rediscover Mitcham Phase 1) market traders parked on the pedestrianized area sometimes for long periods in a relatively disorganised manner. One of the aims of the Rediscover Mitcham project is to achieve a more formal and ordered market set up. The operation of the market trader bays and the permits needed to enforce them are an integral part of the redesign of the Fair Green.

2 MARKET TRADERS PERMIT ISSUE CRITERIA:

- 2.1. Only market traders in Merton can apply for a permit. Permits are vehicle specific and market traders will be permitted up to four different vehicles on each permit. However only one permit per trader can be used at any time. So even if a permit has four different vehicles registered on it only one of these vehicles will be allowed to load in the bays.
- 2.2. If a permit is lost a new permit will be issued with a new permit number and the old permit number will be cancelled to prevent traders having duplicate permits.
- 2.3. The permits will be issued for Mitcham Town Centre first and can then be made available in other parts of the borough if appropriate.

3 MARKET TRADER PERMIT DETAILS

- 3.1. Permits will be issued free of charge to market traders in Mitcham. If the permits are successful they can be rolled out to other parts of the borough where appropriate.
- 3.2. The cost to traders for replacing a lost permit will be £10.
- 3.3. The cost for amending existing permits will be £10
- 3.4. Merton Parking Services will issue the permits.
- 3.5. Merton Regulatory Services Partnership will provide the details of name, address and vehicle registrations to Parking Services to issue the permits.
- 3.6. In Mitcham there are currently 13 registered market traders

4 CURRENT PRACTICE

- 4.1. There are currently no parking permits specifically for market traders available in the borough. In order to load market traders need to work within current parking restrictions.
- 4.2. The need for market trader specific parking permits has arisen from the Rediscover Mitcham Town Centre regeneration project. Before work on the Phase 1 Fair Green started in January 2015 market traders parked their vans on the market square in an ad hoc fashion on what was technically a restricted pedestrian only zone. Whilst this was agreeable to the traders it made the town centre look disorganised and unattractive at times. The permits will allow market traders to load within specific times and at all other times the bays will operate as pedestrian space, thereby increasing the flexibility of the area and improving the open nature of the newly refurbished town centre.

5 RECOMMENDATION

- 5.1. It is recommended that the Cabinet Member approves the undertaking of the statutory consultation and the amendment to the TMOs (subject to outcome of the consultation) so as to allow for the provision of market trader parking permits.

6 ISSUES

- 6.1. The market trader bays are for use by traders only during the permitted hours 6am – 9am and 3pm – 6pm. Outside of this time no parking or loading is permitted and the bays become pedestrian space. However during the permitted hours any vehicle will technically be allowed to load for 20 minutes. This will not be advertised but savvy drivers could be able to exploit this in particular for deliveries to the shops. This could mean that market traders may be denied access to parking bays when they need them.
- 6.2. There are dedicated loading bays at the entrance to Upper Green East specifically for deliveries to the shops which combined with the 30 minute free parking bays should provide sufficient parking so that overspill into the market traders bays is not necessary.

7 CONSULTATION

- 7.3. A statutory consultation is required before the permits can be introduced. A public consultation was carried out in October 2014 and no objections to the proposal for market permits were received.
- 7.4. The market trader permits would be introduced under Sections 6 and 46 of the Road Traffic Regulation Act 1984, and the Order making process would be carried out using the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (S.I. 1996/No. 2489)
- 7.5. Regulation 7 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 states...
7.—(1) An order making authority shall, before making an order,—
(a) publish at least once a notice (in these Regulations called a “notice of proposals”) containing the particulars specified in Parts I and II of Schedule 1 in a newspaper circulating in the area in which any road or other place to which the order relates is situated;
(b) in the case of an order under section 6 of the 1984 Act, publish a similar notice in the London Gazette;
- 7.6. The above are a given, please note Para I (ii) and (iii) below.
- 7.7. The Council will take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include—
(i) in the case of an order to which sub-paragraph (b) does not apply, publication of a notice in the London Gazette;
(ii) the display of notices in roads or other places affected by the order; or

(iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order.

- 7.8. 6.5A Notice of Proposal will to be published in a local newspaper and the London Gazette. A minimum of 21 days for representation is required.

8 FINANCIAL IMPLICATIONS

- 8.1. The cost of advertising the Council's intentions as described above would be approximately £500.

9 RESOURCE IMPLICATIONS

- 9.1. Merton's Highways team will organise the notice publication traffic orders. Internal fees estimated at approximately £500 will be paid for out of the Rediscover Mitcham project budget (Transport for London LIP Revenue allocation: H01077).
- 9.2. Merton's Regulatory Services Partnership will manage and administer the permit allocations. This will be absorbed into the departments business as usual staffing.
- 9.3. Merton Parking Services will issue the permits at no internal cost on advice from Merton's Regulatory Services Partnership. The resourcing for issuing the permits by Parking Services will be absorbed into the departments business as usual staffing. If the permits are rolled out and the volume of permits increases it may be necessary for Parking Services to charge an internal fee.

10 HUMAN RIGHTS & EQUALITIES AND COMMUNITY COHENSION IMPLICATIONS

- 10.1. The implementation of new permits will benefit market traders and the town centre as a whole with a more organised and consistent approach to loading.
- 10.2. Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders published in the local paper and London Gazette.

11 CRIME AND DISORDER IMPLICATION

- 11.1. N/A

12 RISK MANAGEMENT IMPLICATIONS

- 12.1. The risk in not introducing the proposed new permits would be that market traders would not have a dedicated facility to load from their vehicles and would put pressure on the surrounding short term parking bays intended for visitors to the town centre.

- 12.2. The risk of introducing the proposal could lead to dissatisfaction from some residents. This, however, can be minimised by the adhering to the strict criteria for the issuing of permits and issues can be addressed pending on the nature of complaint.

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 the Assistant Head of Democracy, 8th floor,
Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Assistant Head of Democracy on
020 8545 3361