

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

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Email:
democratic.services@merton.gov.uk**

Date: 30th July 2015

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 Waiting and Loading Restrictions, Weir Road, SW19, and will be implemented at noon on 4th August 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 "Chris Pedlow".

**Chris Pedlow
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)

Waiting and Loading Restrictions – Weir Road SW19

2. Decision maker

Cabinet Member for Environmental Sustainability & Regeneration

3. Date of Decision

29th July 2015

4. Date report made available to decision maker

21st July 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;

Gives approval to undertake statutory consultation to introduce parking bays, waiting and loading restrictions (double yellow lines) as listed in the table below

Site/Location	Drawing No.
Proposed new double yellow lines	
Weir Rd	Z27-642-03
Endeavour Way	“
Archway Close	“
Durnsford Rd junction Endeavour Way	“

7. Reason for decision

I approve a statutory consultation to introduce parking bays, waiting and loading restrictions in the roads identified in the table because of concerns expressed by ward councillors and businesses of dangerous and obstructive parking.



8. Alternative options considered and why rejected

8.1 Do nothing. This would not address the issues raised by residents and access issue identified. It is the Council's duty to provide a safe environment for all road users.


9. Documents relied on in addition to officer report

Drawings

10. Declarations of Interest

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.

DELEGATED POWER REPORT 21 July 2015		Agenda Item N/A										
 merton		Reference No.										
SUBJECT:	Waiting and Loading Restrictions											
Wards	Wimbledon Park											
Portfolio:	Environment & Regeneration											
Purpose of Report:	<p>1. The purpose of this report is to seek approval to undertake a statutory consultation to introduce waiting and loading restrictions in roads identified in the table below</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Site/Location</th> <th style="text-align: center;">Drawing No.</th> </tr> </thead> <tbody> <tr> <td>Weir Rd</td> <td style="text-align: center;">Z27-642-03</td> </tr> <tr> <td>Endeavour Way</td> <td style="text-align: center;">“</td> </tr> <tr> <td>Archway Close</td> <td style="text-align: center;">“</td> </tr> <tr> <td>Durnsford Rd / Endeavour Way junction</td> <td style="text-align: center;">“</td> </tr> </tbody> </table> <p style="text-align: center;">I agree / do not agree (delete as appropriate)</p> <p style="text-align: center;">Signature See Decision Sheet...</p> <p style="text-align: center;">Date.....</p>		Site/Location	Drawing No.	Weir Rd	Z27-642-03	Endeavour Way	“	Archway Close	“	Durnsford Rd / Endeavour Way junction	“
Site/Location	Drawing No.											
Weir Rd	Z27-642-03											
Endeavour Way	“											
Archway Close	“											
Durnsford Rd / Endeavour Way junction	“											
Contact Details	Robert McDonnough – Traffic Engineer Contact details: 020 8545 3042 e-mail: robert.mcdonnough@merton.gov.uk											
Press Contact	Merton’s Press office Email: press@merton.gov.uk Tel: 020 8545 3181											

1. INTRODUCTION

- 1.1 The purpose of this report is to seek approval to undertake a statutory consultation to introduce parking bays / waiting and loading restrictions (double yellow lines) as listed in the above table. Plans showing the extent of the restrictions are attached in Appendix 1.
- 1.2 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from emergency services, ward councillors, local residents and business. 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 simultaneously. Each request is added to a rolling programme for investigation and the appropriate recommendations and the proposals are formulated in one report.

- 1.3 These requests are prioritised by taking into account the location, accident statistics, site observations, access difficulties, speed limit and local environmental amenities and associated activities.
- 1.4 In light of these requests, each site has been investigated to determine the extent of the proposed measures. Every attempt is made to minimise the restrictions without compromising access and safety. For details of the restrictions please refer to appendix 1.

2. BACKGROUND

- 2.1 It is the policy of the Council to improve the environment by making it safer for both motorists and pedestrians. One way this can be achieved is by regulating the number of parked vehicles in the area, particularly at key locations such as at junctions, narrow roads, cul de sacs and at bends. The aims of the proposed double yellow lines waiting restrictions are to improve visibility and to provide clear access for all road users, particularly vulnerable road users such as pedestrians, push chairs and wheelchair users who for example may wish to make proper use of the section of dropped kerb at junctions.
- 2.2 When considering road safety, S.122 of the Road Traffic Regulation Act 1984 places a duty on the Council "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" when exercising any of its functions under the 1984 Act. Road safety is therefore a matter that the Council should have proper regard to when considering whether to make an Order under S.6 of the 1984 Act.
- 2.3 The Highway Code stipulates that motorists should not park within 10 metres of a junction. The failure by a person to observe any provision of the Highway Code does not in itself render that person liable to criminal proceedings, such a failure may though be relied upon by any party to proceedings (whether civil or criminal) in order to establish or negate liability (s.38 (7) Road Traffic Act 1988). Although a failure to observe the Code does not then itself amount to a criminal offence, and neither does it create a presumption of negligence, a breach of the code may as a matter of fact amount to strong evidence to prove lack of proper driving. Given that not stopping within 10 metres of a junction or on a bend is an express provision of the Code it is of relevance when considering road safety in this area.

3. PROPOSALS

- 3.1 Following the complaints received from businesses in Weir Road and Endeavour Way an extensive site assessment has been carried out based on large volumes of complaints and concerns from the local business community. Given the nature of concerns it is considered that the proposals detailed below are essential in improving access, safety, sightlines and visibility throughout the estate. It is, therefore, recommended that a statutory consultation be undertaken for the introduction of the proposed waiting restrictions. The proposals are shown on the attached plans in Appendix 1.

- 3.2 Weir Road is an industrial estate which essentially serviced by large volume of HGVs. There is also a high level of demand for on street parking from the businesses, staff and their visitors in Weir Road. Majority of the businesses also have large parking areas for their staff. The carriageway is too narrow to accommodate parking on both sides of the road and maintain the absolute minimum required road width of 3.05m on a single carriage way that is necessary for the Fire brigade and articulated vehicles. It is worth noting that as a rule the minimum road width for a 2-way traffic that is applied is 4.6m. Currently, access for single file traffic is maintained with vehicles parking with two wheels on the footway totally blocking the footway. In accordance with the Greater London Council (General Powers) Act 1974, parking on any part of a footway is illegal; although there are occasions where provided there is sufficient footway width (minimum 1.5m) parking on footway can be permitted via an Exemption Order. This exemption, however, does not apply where the footway comprises of a grass verge. The option of partial footway parking has been considered but rejected due to the narrow nature of the footway width. Given the number of complaints also received from pedestrians including wheel chair users and those with mobility scooters parking on the footway cannot be permitted. Complaints received include congestion caused by parked cars and HGVs as vehicles are unable to pass reach other; delivery vehicles not being able to access certain sites / businesses causing damage to property etc. Given the nature of the road and its business occupants, it is essential to remove parking from majority of sections of the carriageway by introducing 'At any time' waiting/loading restrictions where parking cannot be achieved in a safe manner or where access would be obstructed and free parking bays are proposed where considered safe. These proposed restrictions will assist businesses and improve access for traffic including the refuse vehicles, delivery vehicles and the emergency services. It will also return the footways to pedestrians and other vulnerable road users such as disabled people who visit some of the businesses daily for activities.
- 3.3 Officers have attended a number of meetings in Weir Road during which general support was demonstrated for the proposed restrictions.
- 3.4 Additionally, to cater for the needs of those with disability, the Council will be providing pram ramps throughout the estate.

4. STATEMENT OF REASONS

- 4.1 It would be irresponsible of the Council to ignore the manner of obstructive parking that is currently taking place. The Council has duty of care to ensure the safety of all road users and to maintain access at all times, particularly for the public service vehicles and the emergency services.

5. ALTERNATIVE OPTIONS

- 5.1 Do nothing. This would be contrary to the concerns expressed by the local businesses, and would not resolve the dangerous and obstructive parking that is currently taking place. It will do nothing to assist the businesses with their operational needs in terms of access and deliveries.

6. LEGAL IMPLICATIONS & STATUTORY PROVISION

- 6.1 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. HUMAN RIGHTS & EQUALITIES

- 7.1 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.
- 7.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.
- 7.3 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.
- 7.4 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.
- 7.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 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.
- 8.2 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.

9. FINANCIAL IMPLICATIONS

- 9.1 To introduce the proposed restrictions will cost approximately £5,000. 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.

10. TIMESCALES

- 10.1 If agreed the statutory consultation will be carried out in August / September 2015. Notices of the Council's intention will be published in the local newspaper and the London Gazette and will also be posted on lamp columns in the area. A copy of the draft TMO will also be made available at the Civic Centre and on the Councils' website. Ward Councillors will also be informed. The Made Orders will be published and works will be carried out soon after the consultation subject to the absence of any valid objections.

11. APPENDICES

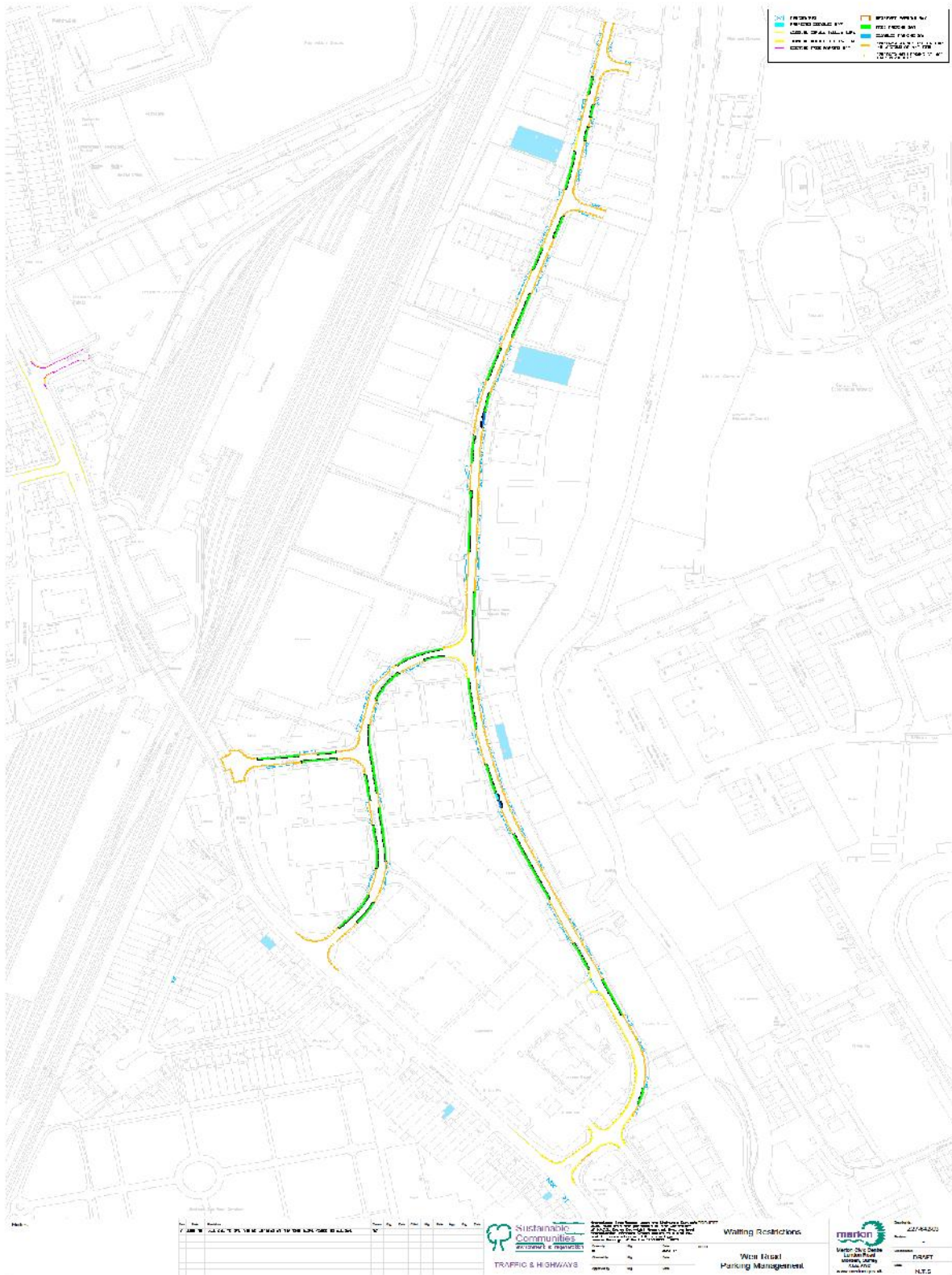
- 11.1 The following documents are to be published with this report and form part of the report
 - Appendix 1 – Proposed Waiting Restrictions Drawings

Useful links:

- Merton Council's web site: <http://www.merton.gov.uk>

Readers should note the terms of the legal information (disclaimer) regarding information on Merton council's and third party linked websites.

APPENDIX 1 Proposed Waiting Restrictions



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