



LONDON BOROUGH OF MERTON
TRAFFIC MANAGEMENT ORDER

2023 No. 61

The Merton (Parking Places) (Electric Vehicle Charging Points) (No. 3) Order 2023

Made: 18 July 2023

Coming into force: 31 July 2023

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The London Borough of Merton in exercise of the powers conferred by section 6 to the Road Traffic Regulation Act 1984(a), as amended by section 8 of and Part I of Schedule 5 to the Local Government Act 1985(b), and of all other powers thereunto enabling hereby make the following Order:

PART I-PRELIMINARY

Citation and commencement

- (1) This Order may be cited as the Merton (Parking Places) (Electric Vehicle Charging Points) (No. 3) Order 2023 and shall come into force on 31 July 2023.

Interpretation

- (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"civil enforcement officer" means a civil enforcement officer provided by the Council under section 76(1) of the Traffic Management Act 2004(f), in relation to parking contraventions;

"Council" means the Council of the London Borough of Merton;

"disabled person's badge" has the same meanings as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(g);

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"electric vehicle" means any vehicle means any vehicle, other than a motor cycle or invalid carriage, which is propelled entirely or partially by electricity and is capable of being charged from an external source;

"electronic communications network" has the same meaning as in the Communications Act 2003(h);

(a) 1984 c.27 (b) 1985 c.51 (c) L.B.M. 2018/29 (d) L.B.M. 2018/54 (e) L.B.M 2018/55
(f) 2004 c.18 (g) S.I. 2000/683 (h) 2003 c.21

"electronic payment system" means an electronic system, using an electronic application set up and maintained by the service provider whereby:

- (a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a electronic apparatus to communicate with the service provider and make payment of the charge for a permit in respect of a specified vehicle, specified parking places and for a specified period by use of a debit or credit card or an electronic means of payment, in accordance with instructions given by the service provider at the time of using the system; and
- (b) the service provider, on behalf of the Council, accepts payment of the charge for a permit by the method referred to in paragraph (a) of this definition and records such payment together with the details of the permit for which payment has been made and the registration mark of the vehicle in respect of which payment has been made;

"enactment" means any enactment whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"one-way street" means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer;

"permitted hours", in relation to a parking place means at any time;

"parking place", means any area on street designated a parking place reserved for the charging of electric vehicles by this Order;

"parking space" means a space in a parking place which is provided for the leaving of vehicles;

"charging post", means a device designed for the charging of electric vehicles;

"Schedule" means a Schedule of this Order;

"service provider" means the company authorised and appointed by the Council to operate, administer and maintain the process for the payment of parking charges using the electronic parking charge payment system or payment terminals, or charges for any permit issued under this Order using the electronic payment system;

"street" includes part of a street;

"residents' permit" means a permit issued under the provisions of Article 26;

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number of this Order.

PART II - DESIGNATION OF PARKING PLACES

Designation of parking places

3. Each area on a highway comprising the length of carriageway of a street specified in column 2 of the Schedules and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.00 metres is designated as a parking place.

Vehicles for which parking places are designated

4. (1) Each parking place described in Schedule 1 may be used, subject to the provisions of this Order, for the leaving of electric vehicles.
- (2) Each parking place described in column 2 of Schedule 2 may be used, subject to the provisions of this Order, for the leaving of electric vehicles for which an indication that the applicable charge for a valid permit for the controlled parking zone specified in column 5 of Schedule 2, issued under the corresponding traffic management order specified in column 6 of Schedule 2, has been paid as may be ascertained by telephone or on submitting the registration mark of the vehicle with a hand-held device and a response is received via the hand-held device that a record exists in the electronic payments system confirming that the charge has been paid with respect to a valid permit for the vehicle.
- (3) At all times during which an electric vehicle is left at a parking place referred to in the Schedules during the permitted hours, the driver thereof shall cause that vehicle to be connected and actively charging, via the charging lead attached to the charging post relating to that parking place.

PART III - SUPPLEMENTARY PROVISIONS

Contravention in parking places

5. If a vehicle is left in a parking place referred to in the Schedules to this Order without complying with the provisions of this Order, then a contravention of, or a failure to comply with the provisions of this Order and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 shall be deemed to have occurred.

Removal of a vehicle from a parking place

6. If a vehicle is left at a parking place without complying with the provisions of this Order, the vehicle may be removed or caused to be removed from that parking place in pursuance of Regulations made under section 99 or 101 of the Road Traffic Regulation Act 1984.

Movement of a vehicle in a parking place in an emergency

7. A police constable in uniform or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left at a parking place.

Period for which a vehicle may be left at a parking place

8. A vehicle may be left at a parking place for no longer than 12 hours.

Interval before a vehicle may again be left in a parking place

9. No person shall cause an electric vehicle which has been removed after waiting in a parking place to wait again in that parking place within a period of 4 hours of its removal.

Manner of standing in a parking place

10. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in column 4 of the Schedules as to be in accordance with those provisions;
- (b) in the case of any other parking place -
 - (i) in the case of any other parking place, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest the vehicle and the distance between that edge and the nearest wheel of the vehicle is not more than 300 millimetres;
 - (ii) so that every part of the vehicle is within the limits of a parking place;
- (c) that every part of the vehicle is within the limits of a parking place.

Power to suspend the use of a parking place

11. (1) The Commissioner of Police of the Metropolis or any police officer above the rank of Chief Inspector may suspend the use of a parking place or any part thereof for a period not exceeding twenty-eight days whenever he considers such suspension necessary for maintaining the security of any person or premises in the vicinity of that parking place.
- (2) At the expiration of the period of twenty-eight days mentioned in paragraph (1) of this Article, the suspension of the parking place or any part thereof shall be reviewed by the person who suspended its use and any continuation of the suspension that they consider necessary shall be notified to the Council and shall not exceed a further period of twenty-eight days without similar review.
- (3) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety; or
 - (b) on any occasion on which it is likely, by reason of some special attraction or occurrence, that any street will be thronged or obstructed; or
 - (c) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network or the placing, maintenance or removal of any traffic sign; or

- (d) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, or another office or dwelling-house; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions; or
 - (f) for filming purposes.
- (4) A police constable in uniform may suspend for not longer than seven days the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary;
- (a) for the purpose of facilitating the movement of traffic or promoting its safety; or
 - (b) on any occasion on which it is likely, by reason of some special attraction or occurrence, that any street will be thronged or obstructed.
- (5) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article, the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
- (6) No person shall wait in a parking place or any part thereof at any time during which there is displayed in or adjacent to that parking place or that part thereof, as the case may be, a traffic sign placed in pursuance of paragraph (5) of this Article:

Provided that nothing in this paragraph shall apply:-

- (a) in respect of any vehicle being used for ambulance, fire brigade or police purposes or any vehicle which is waiting for any reason specified in Article 13(1)(b) or 13(1)(d) or 13(1)(f);
- (b) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article, or as the case may be, paragraph (3) of this Article, a police constable in uniform or a civil enforcement officer.

Restriction on the use of a vehicle in a parking place

12. During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with:
- (a) the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity; or
 - (b) the carrying out of any work or construction or repair of any vehicle, except such as may be necessary to enable the vehicle to be removed from the parking place.

Restriction on waiting by a vehicle in a parking place

13. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as civil enforcement officer may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage:

Provided that if the said person is a person suffering from any disability or injury which seriously impairs their ability to walk, or who is blind, the vehicle may wait for so long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage; as long as may be necessary, to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 11(3)(c) of this Order;
- (f) the vehicle is waiting with the written consent of the Council or authorised agent and such conditions and requirements as they may impose are being complied with.

(3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

(4) Nothing in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under section 25 of the Road Traffic Regulations Act 1984.

Manner of waiting in a parking place

14. No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e) of paragraph (1) of the last preceding Article otherwise than:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in the parking place are specified in column 3 of the Schedules so that the vehicle shall stand:
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place; or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 30 centimetres; and
 - (b) in the case of any other parking place, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 30 centimetres; and

- (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

Installation of charging posts and parking places and placing of traffic signs

15. The Council shall:

- (a) install a charging post in such position as they think fit in or in the vicinity of each parking place referred to in the Schedules;
- (b) place and maintain traffic signs indicating the limits of each parking place;
- (b) place and maintain in or in the vicinity of each parking place traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 4 of this Order; and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Dated this the eighteenth day of July 2023.



Paul McGarry
Head of futureMerton
London Borough of Merton

SCHEDULE 1

In relation to a parking place described in this Schedule the expression "permitted hours" means at any time.

PARKING PLACES IN RESPECT OF WHICH AN ELECTRIC VEHICLE BEING CHARGED MAY BE LEFT AT ANY TIME, FOR A MAXIMUM PERIOD OF 12 HOURS, NO RETURN FOR 4 HOURS.

1	2	3	4
NO. OF PARKING PLACE	AREAS ON CARRIAGEWAYS DESIGNATED AS PARKING PLACES	MAXIMUM NUMBER OF BAYS	SPECIAL MANNER OF STANDING
1.	ABBOTTS ROAD, CR4; the north-west side, from a point 3.2 metres north-east of the common boundary of Nos. 15 and 17 Abbots Road north-eastward for a distance of 6 metres.	1	
2.	ABBOTTS ROAD, CR4; the north-west side, from a point 12 metres north-east of the north-eastern kerb-line of Commonsides East north-eastward for a distance of 6 metres.	1	
3.	CAMBRIDGE ROAD, CR4; the north-west side, from a point 12.7 metres north-east of the north-eastern kerb-line of Tamworth Lane, north-eastward for a distance of 6 metres.	1	
4.	CHESTNUT GROVE, CR4; the east side, from a point 15.2 metres south of the common boundary of Nos. 90a and 88a Chestnut Grove, southward for a distance of 5.5 metres.	1	
5.	CONWAY GARDENS, CR4; the south-west side, from a point 12.6 metres south-east of the south-eastern kerb-line of Carisbrooke Road south-eastward for a distance of 6 metres.	1	
6.	SHERWOOD PARK ROAD, CR4; the south side, from the common boundary of Nos. 142 and 144 Sherwood Park Road westward for a distance of 6 metres.	1	
7.	WESTMORLAND WAY, CR4; the north-east side, from a point 7 metres south-east of the south-eastern kerb-line of Lancaster Avenue south-eastward for a distance of 5.5 metres.	1	

SCHEDULE 2

In relation to a parking place described in this Schedule the expression "permitted hours" means at any time.

PARKING PLACES IN RESPECT OF WHICH AN ELECTRIC VEHICLE BEING CHARGED MAY BE LEFT AT ANY TIME, FOR A MAXIMUM PERIOD OF 12 HOURS WHEN IT DISPLAYS A RELEVANT CONTROLLED PARKING ZONE PERMIT, NO RETURN FOR 4 HOURS.

1.	2.	3.	4.	5.	6.
No. of Parking Place	AREAS ON CARRIAGEWAYS DESIGNATED AS PARKING PLACES	Maximum number of bays	Special manner of standing	Controlled Parking Zone	Traffic Management Order
-	-	-	-	-	-

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order designates parking places reserved for the charging of electric vehicles in various roads the London Borough of Merton.