

NON-KEY DECISION TAKEN BY A CABINET MEMBER UNDER DELEGATED AUTHORITY

1. Title of report

Proposed GC3 CPZ Edgehill Road area – Melrose Ave inclusion

2. Reason for exemption (if any)

3. Decision maker

Councillor Martin Whelton, cabinet member for regeneration, housing and transport

4. Date of Decision

13 February 2020

5. Date report made available to decision maker

13 February 2020

6. Decision

- A) Considers the petition received on 11th February from Melrose Ave requesting inclusion within the recently approved GC3 CPZ.
- B) Agrees to proceed with making of the Traffic Management Order for the introduction of a CPZ in Melrose Avenue in GC3.
- C) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Reason for decision

- 1) The number of representations received from residents about the exclusion of Melrose Avenue from the controlled parking zone which included a majority of households and the wish to be included given the forthcoming implementation in neighbouring roads. This included a majority of households on the road.
- 2) Correspondence from local Graveney councillors supporting its inclusion in the controlled parking zone

8. Alternative options considered and why rejected

- 8.1 Do nothing. This would not address the petition that has been received requesting inclusion. With the proposed CPZ being introduced in March 2020 within the area, Melrose Ave residents are likely to face parking problems.
- 8.2 An option would be to undertake another informal consultation in Melrose Avenue; this, however, would need to be programmed and may take a minimum of 9 weeks to implement – this time frame cannot be guaranteed and it would be at the expense of other programmed projects.



Cllr Martin Whelton
Cabinet member for regeneration, housing and transport
13 February, 2020

Committee: Cabinet Member Report

Date: 13th February 2020

Agenda item:

Wards: Graveney.

Subject: GC3 CPZ Edgehill Road area –Melrose Ave inclusion

Lead officer: Chris Lee, Director of Environment & Regeneration.

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

Forward Plan reference number: N/A

Contact Officer: Paul Atie, Tel: 020 8545 3337

Email: <mailto:paul.atie@merton.gov.uk>

Recommendations:

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

- A) Considers the petition received on 11th February from Melrose Ave requesting inclusion within the recently approved GC3 CPZ.
- B) Agrees to proceed with making of the Traffic Management Order for the introduction of a CPZ in Melrose Avenue in GC3.
- C) 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 is a supplementary report to a previous Cabinet Member report dated 20th January 2020 titled Proposed GC3 CPZ Edgehill Road area. It reports a petition that has been received by the Council from Melrose Avenue for inclusion within GC3 CPZ.
- 1.2 It seeks approval to include Melrose Avenue in GC3.

2. CONSULTATIONS

- 2.1 Following an informal consultation, it was concluded that majority of the residents from the proposed zone (except for Melrose Ave) supported a CPZ. The introduction of a CPZ was progressed to a statutory consultation and it did include Melrose Ave.

- 2.2 All those who responded to the statutory consultation from Melrose Avenue remained against the scheme. The main objection for Melrose Ave was the proposed single yellow lines across their crossovers during the operating hours of the CPZ. They felt that not being allowed to park across their crossovers is a reduction of the residents' parking spaces. Within a CPZ, it is mandatory that all sections of the kerbside are controlled for the scheme to operate and be legally enforceable. All kerbside must either be controlled with yellow line waiting restrictions or designated parking places. During the meeting with local Ward Councillors, it was agreed to uphold the objections thereby removing the road from the scheme until such time that residents change their minds. A decision was made to introduce GC3 CPZ with the exclusion of Melrose Ave.
- 2.4 A newsletter detailing the outcome of the statutory consultation and the Cabinet Member decision to implement GC3 and to exclude Melrose Ave was delivered to the consultees on 3rd February 2020. The newsletter also detailed the implementation programme with works starting on 9th March 2020.
- 2.5 A petition was received on 11th February from Melrose Ave requesting inclusion within the recently approved GC3 CPZ. This petition was signed by 76 residents representing 68 properties. With 116 properties in Melrose Ave, this represents 59% of the residents now seeking inclusion.

3. TIMETABLE

- 3.1 If agreed, since the TMO for GC3 is yet to be made and the statutory consultation did include Melrose Ave, it would be possible to include Melrose Ave without a further consultation. Melrose Ave can be implemented at the same time as the rest of GC3.

4. ALTERNATIVE OPTIONS

- 4.1 Do nothing. This would not address the petition that has been received requesting inclusion. With the proposed CPZ being introduced in March 2020 within the area, Melrose Ave residents are likely to face parking problems.
- 4.2 An option would be to undertake another informal consultation in Melrose Avenue; this, however, would need to be programmed and may take a minimum of 9 weeks to implement – this time frame cannot be guaranteed and it would be at the expense of other programmed projects.

5. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 5.1 The cost of implementing the proposed measure is estimated at £6k. This includes the additional newsletters, the road markings and signs.
- 5.2 The cost of this proposal can be met from the Environment and Regeneration revenue budget for 2019/2020 which contains a provisional budget for Parking Management schemes.

6. LEGAL AND STATUTORY IMPLICATIONS

- 6.1 The Traffic Management Orders would be made under Section 6 and Section 45 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.
- 6.2 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 Council in reaching a decision.
- 6.3 The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 46, 122 and 124 and schedules 1 and 9 of the RTRA 1984.

7. BACKGROUND PAPERS

- 7.1 Cabinet Member report dated 20th January 2020 titled Proposed GC3 CPZ Edgehill Road area.

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 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