

LONDON BOROUGH OF MERTON

FREE PARKING PLACES IN ELM GARDENS AND WALSINGHAM ROAD

THE MERTON (FREE PARKING PLACES) (NO. 1) ORDER 2021

1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Merton, on 6 January 2021, made the above-mentioned Order under sections 6 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.
2. The general effect of the Merton (Free Parking Places) (No.1) Order 2021 will be to introduce the free partial footway parking places specified in Schedules 1 and 2 to this notice which will operate at any time throughout the week and specify that:
 - (a) the parking places may be used, subject to the provisions of the Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, goods vehicles, invalid carriages or motor cycles; and
 - (b) there will be no charge for parking in the parking places.
3. A copy of the Order, which will come into force on 18 January 2021, and other documents giving more detailed particulars of the Order, including a plan specifying the lengths of road affected by the Order, can be inspected during normal office hours on Mondays to Fridays inclusive until the end of six weeks from the date on which the Order was made at Merton Link, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX. The documents have also been made available for inspection at <https://www.merton.gov.uk/streets-parking-transport/traffic-management/consultations>. Alternatively, those without internet access can receive a copy of the documents by phoning 020 8274 4901 or by sending a request to us by post to:- the Environment and Regeneration Department at the Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX. The letter of request should be prominently marked with the title of the Order.
4. Any person desiring to question the validity of the Order or of any provision contained therein on the grounds that it is not within the relevant powers of the Road Traffic Regulation Act 1984, or that any of the relevant requirements thereof, or of any relevant regulations made thereunder has not been complied with in relation to the Order may, within six weeks from the date on which the Order was made, make application for the purpose to the High Court.

Dated: 6 January 2021.

Paul McGarry
Head of futureMerton
London Borough of Merton,
Merton Civic Centre, London Road,
Morden Surrey, SM4 5DX

SCHEDULE 1

Partial Footway Parking Places

1. WALSINGHAM ROAD, the north-east side, from a point 7 metres south-east of the south-eastern kerb-line of Caesar's Walk, south-eastward for a distance of 5 metres;
2. WALSINGHAM ROAD, the north-east side, from a point 1 metre south-east of the common boundary of No. 37 Caesar's Walk and No.1 Walsingham Road north-eastward for a distance of 14.6 metres.

SCHEDULE 2

Partial Footway Parking Places

1. ELM GARDENS, the north-east side, from a point 3.1 metres north-west of the eastern boundary of No. 37 Elms Gardens north-westward for a distance of 11 metres.
2. ELM GARDENS, the south-west side, from a point 9.3 metres south-east of the south-eastern kerb-line of Sherwood Park Road south-eastward for a distance of 5.5 metres.
3. ELM GARDENS, the south-west side, from a point 16.8 metres south-east of the south-eastern kerb-line of Sherwood Park Road south-eastward for a distance of 10.5 metres.
4. ELM GARDENS, the south-west side, from a point 0.7 metre south-east of the common boundary of Nos. 28 and 30 Elm Gardens south-eastward for a distance of 10 metres.
5. ELM GARDENS, the south-west side, from a point 2.1 metres east of the rear west boundary of No. 113 Chestnut Grove eastward for a distance of 10 metres.



THE LONDON BOROUGH OF MERTON

TRAFFIC MANAGEMENT ORDER

2021 No. 1

The Merton (Free Parking Places) (No. 1) Order 2021

Made: 6 January 2021

Coming into force: 18 January 2021

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The Council of the London Borough of Merton, having consulted the Commissioner of Police of the Metropolis in exercise of the powers conferred by section 6 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984(a), as amended by section 8 of and Part 1 of Schedule 5 to the Local Government Act 1985(b), Part 6 and Schedules 7 to 12 of the Traffic Management Act 2004(c) and of all other enabling powers hereby make the following Order:-

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Merton (Free Parking Places) (No. 1) Order 2021 and shall come into force on 18 January 2021.

Revocation

2. N/A.

Interpretation

3. (1) In this Order, except where the context otherwise requires:-

“civil enforcement officer” has the same meaning as in the Traffic Management Act 2004 and means a person authorised by or on behalf of the Council to supervise and enforce the provisions of this Order;

“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(d);

“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;

“electronic communications network” has the same meaning as in the Communications Act 2003(e).

“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;

(a) 1984 c.27 (b) 1985 c.51 (c) 2004 c.18 (d) S.I. 2000/683 (e) 2003 c.21

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"motorcycle" has the same meaning as in section 136 of the Road Traffic Regulation Act 1984

"parking place" means any area on a highway designated as a parking place by this Order;

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

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

"penalty charge" has the same meaning as that given in section 92 of the Traffic Management Act 2004 in respect of a contravention of a provision to this Order;

"permitted hours" in relation to a parking place means the period specified at the beginning of the Schedule relating to that parking place;

"Schedule" means a Schedule to this Order;

"street" includes part of a street;

- (2) 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 in this Order.
- (3) The prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

PART II

DESIGNATION OF PARKING PLACES

Designation of parking places

4. Each area on a highway comprising the length of carriageway of a street specified in column 2 of the Schedule to this Order and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.0 metres is designated as a parking place.

Number and situation of parking spaces

5. The number of parking spaces in each parking place referred to in column 2 of the Schedule to this order shall not exceed the number specified in relation thereto in column 3 of that Schedule and the number and situation of such parking spaces in each parking place shall be as may be determined by the Council.

Vehicles for which parking places are designated

6. Each parking place referred to in the Schedule to this Order may be used, subject to the provisions of this Order, during the permitted hours for the leaving of passenger vehicles, goods vehicles, motor cycles and vehicles displaying a disabled person's badge.

PART III

SUPPLEMENTARY PROVISIONS

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

7. No person shall cause or permit any vehicle to be left in a parking place in the Schedule to this Order during the permitted hours for a continuous period longer than the maximum period of waiting specified in the heading to that Schedule and no person may cause or permit that same vehicle to return to that same parking place during the permitted hours, until the expiry of the minimum period specified in the heading to the Schedule of that parking place, beginning from the time it was driven away after the previous period of waiting in that same parking place.

Contraventions in parking places

8. A contravention of this Order and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 shall occur and a penalty charge will be payable if:
 - (a) during the permitted hours, a vehicle is left in a parking place designated in a Schedule to this Order for a period longer than the maximum period of waiting specified in the heading to that Schedule; or
 - (b) during the permitted hours, the same vehicle is returned to the same parking place before the expiry of the minimum period specified in the heading to the Schedule to that parking place; or
 - (c) the vehicle is left parked in a manner that does not comply with that prescribed in Article 9.

Manner of standing in a parking place

9. Every vehicle left in a parking place in accordance with the foregoing provisions of the 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 parking place are specified in Column 4 of the Schedule, as to be in accordance with those provisions;
 - (b) in the case of any other parking place, if the parking place is not in a one-way street, that the left hand or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (c) that every part of the vehicle is within the limits of a parking place; and
 - (d) 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.

For the purposes of the last foregoing sub-paragraph, the expression "premises" shall not include any premises to or from which goods are being delivered or collected.

Power to suspend the use of a parking place

10. (1) Any person duly authorised by the Council may suspend 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;
 - (b) 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;
- (c) 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, another office or dwelling-house;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on any other special occasions; or
 - (f) for filming purposes.
- (2) A police constable in uniform may suspend for not more than seven days the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) 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, traffic signs indicating that the waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in a parking place or any part thereof at any time during such period as there is in or adjacent to that parking place or that thereof, as the case may be, a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall apply:

- (i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 11(1)(b) or (d); or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof or a police constable in uniform or a police community support officer in uniform.

Restriction on waiting by a vehicle in a parking place

11. (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 a civil enforcement officer may approve, to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

provided that if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind, the vehicle may wait for as long as may be necessary to enable that 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 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 the performance of such duties for the vehicle to wait in the parking place in which it is waiting;
- (d) the vehicle is waiting only for as long as may be necessary to enable it to be used on connection with the removal of any obstruction to traffic.
- (2) 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.

Exemptions

12. (1) Notwithstanding the foregoing provision of this Order a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority may be left in a parking space without time limit, provided that the use of that part of the parking space in which the vehicle is left has not been suspended.
- (2) A vehicle to which this Article applies shall stand in a parking space in accordance with the provisions of sub-paragraphs (a), (b) or (d) of Article 9 of this Order and wholly within the limits of that parking space.

Movement of a vehicle in a parking place in an emergency

13. A police constable in uniform, a police community support officer in uniform, a traffic warden or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle which is left unattended in a parking place.

Alteration of position of a vehicle in a parking place

14. Where any vehicle is standing in a parking place in contravention of the provisions of Article 9, a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

15. Where a civil enforcement officer is of the opinion that any of the provisions contained in Article 9 have been contravened or not complied with in respect of a vehicle left in a parking place then he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Placing of traffic signs

16. The Council shall:
- (a) place and maintain in or in the vicinity of each parking place traffic signs and or carriageway markings of any size, colour and type prescribed or authorised by the Department of Transport indicating that such parking place may be used during the permitted hours for the purpose and leaving only of the vehicles specified in Article 6 and for the period specified in Article 7; and
- (b) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

Dated this sixth day of January 2021.

A handwritten signature in black ink, appearing to read 'P McGarry', with a large, sweeping flourish at the end.

PAUL MCGARRY
Head of futureMerton
London Borough of Merton

SCHEDULE

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

PARKING PLACES IN RESPECT OF WHICH THE MAXIMUM PARKING PERIOD FOR WHICH A VEHICLE MAY BE LEFT DURING THE PERMITTED HOURS IS UNLIMITED WITH NO TIME RESTRICTION ON THE RETURN BY THE SAME VEHICLE TO THE SAME PARKING PLACE.

No. of parking place	Designated Parking Place	Maximum number of spaces	Special manner of standing
1.	2.	3.	4.
1.	ELM GARDENS, CR4; the north-east side, from a point 3.1 metres north-west of the eastern boundary of No. 37 Elms Gardens north-westward for a distance of 11 metres	2	Two wheels on the pavement
2.	ELM GARDENS, CR4; the south-west side, from a point 9.3 metres south-east of the south-eastern kerb-line of Sherwood Park Road south-eastward for a distance of 5.5 metres.	1	Two wheels on the pavement
3.	ELM GARDENS, CR4; the south-west side, from a point 16.8 metres south-east of the south-eastern kerb-line of Sherwood park road south-eastward for a distance of 10.5 metres.	2	Two wheels on the pavement
4.	ELM GARDENS, CR4; the south-west side, from a point 0.7 metre south-east of the common boundary of Nos. 28 and 30 Elm Gardens south-eastward for a distance of 10 metres.	2	Two wheels on the pavement
5.	ELM GARDENS, CR4; the south-west side, from a point 2.1 metres east of the rear west boundary of No. 113 Chestnut Grove eastward for a distance of 10 metres.	2	Two wheels on the pavement
6.	WALSINGHAM ROAD, the north-east side, from a point 7 metres south-east of the south-eastern kerb-line of Caesar's Walk, south-eastward for a distance of 5 metres.	1	Two wheels on the pavement
7.	WALSINGHAM ROAD, the north-east side, from a point 1 metre south-east of the common boundary of No. 37 Caesar's Walk and No.1 Walsingham Road north-eastward for a distance of 10 metres.	3	Two wheels on the pavement



Key

- Proposed Waiting Restrictions 'At any time'
- Proposed parking bays (free)
- Existing waiting restrictions
- Dropped Kerb
- Lamp column

Notes
Do not scale from this drawing

Rev	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date

Sustainable Communities
environment & regeneration

TRAFFIC & HIGHWAYS

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Drawn by SM	Sig.	Date JAN2020
Checked by	Sig.	Date JAN2020
Approved by	Sig.	Date

PROJECT
WAITING RESTRICTIONS (PROPOSED)

TITLE
ELM GARDENS
CR4

merton

Merton Civic Centre
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www.merton.gov.uk

Drawing No. Z27-681-04
Revision
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Scale NTS