

## **Committee: Sustainable Communities Overview & Scrutiny Panel**

**Date: 27<sup>th</sup> October 2016**

Wards: Village

### **Subject: Belvedere Drive & Belvedere Grove Experimental Width Restrictions – Call-In**

Lead officer: Chris Lee, Director of Environment & Regeneration

**Lead member:** Councillor Martin Whelton, Cabinet Member for Regeneration Environment & Housing

Contact officer: Mitra Dubet [mitra.dubet@merton.gov.uk](mailto:mitra.dubet@merton.gov.uk)

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#### **Recommendations:**

That the Sustainable Communities Overview and Scrutiny Panel:

- A. Notes the Cabinet Member's decisions dated 16<sup>th</sup> September 2016 regarding the future of the Belvedere Drive & Belvedere Grove experimental Width Restrictions (attached as appendix 1).
- B. Notes the background to the proposals and all relevant committee reports to date. Reports can be provided upon request.
- C. Notes the requested additional information regarding the various issues raised within the call-In paper attached as appendix 3.
- D. Considers whether to refer the decision back to the Cabinet Member for Regeneration, Environment & Housing or to reject the call-in.

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#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to provide the additional information as requested for the 'call-in' of the Cabinet Member for Regeneration Environment & Housing's decision dated 16<sup>th</sup> September 2016.
- 1.2 This report sets out the response to the Call-In and asks the Sustainable Communities Overview and Scrutiny Panel and the Cabinet Member to consider further representations that have been made during the call-In and representations that will be made during the scrutiny meeting.

#### **1. DETAILS**

- 2.1 Whilst this is a Call-In for the experimental width restrictions, it is worth noting that the experimental restrictions were as a result of a larger scheme which was consulted on in March 2014 but failed to reach a consensus.
- 2.2 Following the conclusion of an 18<sup>th</sup> Months Experimental Order on width restrictions in Belvedere Drive and Belvedere Grove, a report containing representations made during the consultation period, speed and volume data before and after the introduction of the width restrictions, Hillside and Village Ward Members' comments and officer's recommendations was submitted to the Cabinet Member on 12<sup>th</sup> September 2016. This is attached as appendix 2.

2.3 Within the above said report officer's made the following recommendations:

- the removal of both experimental width restrictions.
- Not to undertake any further assessment in this area unless it is related to Personal Injury accidents and trends.
- Give consideration to undertake volume surveys in no less than 24 months-time subject to available resource and other highway priorities.
- Consider some aesthetically pleasing features such as junction entry treatment subject to available funding and other highway priorities within a separate highway improvement project
- Not to hold a public inquiry on the consultation process.

2.4 Following the publication of the Cabinet Member's decision (appendix 1), the decision was Called-In.

2.5 Response to points raised within the Call-In paper are set out within the following table. For further details please refer to Appendix 2 - Belvedere Drive & Belvedere Grove Experimental Width Restrictions Review report

***a) proportionality (i.e. the action must be proportionate to the desired outcome)***

*There is a long history to this issue and the Cabinet's Member's decision is not proportionate to the desired outcome nor to the considerable time, effort and money that has been spent getting to this point.*

*The Council has previously agreed that something should be done to try and bring the matter to a satisfactory conclusion and, as such, devised two schemes that subsequently unravelled. However, the report and the Cabinet Member's decision appear now to conclude that 'it is all too difficult' and that the experiment should be dismantled with no firm commitment given on any further actions to meet the Council's original commitment.*

*We do not believe this is acceptable and neither do a significant number of residents within the area affected. Wimbledon Common and the railway continue to restrict traffic routes in the vicinity. Nothing material has changed to suggest that traffic volumes and speeds are no longer a significant problem in the Belvedere roads and it therefore remains the case that something should be done. Our view throughout has been that the Council should seek to keep these roads available to local people but less attractive to through traffic i.e. the Belvedere roads should be porous enough for the short trips that local people make but a less attractive cut through for commuters.*

Response

The Council first began to explore technical details of the issues in and around the Belvederes in 2004, since then whilst there have been extensive consultations and experimental traffic scheme, the volume and flows of traffic have changed as has the capacity of the Council to be able to treat this as a priority.

There is no statutory duty for the Council to take action against alleged rat running / volume of traffic in any given road unless safety and access is compromised. There is a statutory requirement to maintain safety and flow of traffic and there is no evidence that there are safety and access problems here.

There is no minimum or maximum requirement in terms of volume of traffic in any given road regardless of its classification. There is no trigger point to initiate any action against rat running

unless there are serious safety implications evidenced by recorded personal injury collisions and excessive speed.

There is also nothing to demonstrate the level of rat running. Given the wide spread of the road network in this area, there is no evidence to suggest that majority of traffic is rat-run rather than local traffic.

When comparing the 2009 data with the most recent data September 2015, volume of traffic has decreased. The term 'acceptable' level of traffic is relative and a matter of opinion. The Council holds speed and traffic data for a number of roads (more densely populated), where volume of traffic is greater than within the Belvedere Roads and yet all demands for action have been rejected based on lack of safety related evidence and the diversion implications on neighbouring roads.

The Council no longer believe there is a problem that would require attention particularly when considering other priorities that include safety measures, accessibility programmes and regeneration across other parts of the borough.

It should be noted that the decision has been made on one specific measure which was to determine the future of the experimental Traffic Management Orders for the width restrictions only which was a legal requirement. It did not report on any other specific projects in the area as there are no specific projects that have been programmed or progressed in any way. Considering demands that are made for the Council to investigate and take action does not automatically become a programmed project. In addition to the decision relating to the experimental width restrictions, a further decision was sought and made in terms of seizing any further investigation / expenditure on unjustifiable schemes. This decision is more of an overarching decision on how the Council spends its limited resources.

The made decision was based on

1. The negative impact in terms of increase in volume of traffic in neighbouring roads
2. The disproportionate advantages in providing a small degree of relief to a vey small minority at the expense of the wider community.
3. The volume of traffic has declined evidenced by comparing the 2009 data against the latest data collected before the features were introduced without any intervention.
4. The Council no longer considers there is a problem significant enough to prioritise over other areas / projects which are prominently based on safety, access, regeneration and danger reduction immediately outside schools.

It is appreciated that there is a demand for commitment from the Council, however, the Council has very limited resources (funding and staff) and many competing demands and other priorities. For demands such as this, it is not possible to make a commitment at this time as funding for future years is yet to be identified and all competing demands would need to be prioritised and programmed accordingly. A commitment has been made to review traffic conditions in two years' time but again this would be subject to funding and other highway priorities. Additionally, there is an aspiration for a borough wide 20mph speed limit and the Council would need to identify the necessary funding.

*The past ten years or so have been fraught with tension over this issue. It is not therefore unreasonable for residents to expect that the Council should have produced something that was generally acceptable rather than simply ceasing to pursue the matter any further. The recent experiment took us close to this goal (largely as a result of changed expectations) and – together with ward councillors - the Council should be building on that. This is not the time to stop but rather it is the time to redefine expectations. After over ten years of discussion, there is now a more general acceptance of a compromise solution than ever looked likely a few years ago. Whilst we welcome the references in the Cabinet Member's Decision Notice to 'consider*

*junction entry treatments' and 'to look at the introduction of a 20mph zone across this area', neither of these come with any timescale attached and both are subject to funding being made available, to which there is no commitment. These are significant caveats and provide no guarantees to which the Council can be held to account. It is unclear from the Decision Notice how the Cabinet Member's decision not to consider further traffic measures in the immediate future can be justified given that the report states that approximately £900,000 has been spent since 2007 on pursuing a solution. To do nothing when an acceptable resolution is potentially within reach would mean that the money already spent had not offered value for money to Merton's council taxpayers.*

#### Response

The Council appreciates that there are heightened expectations but the Council is responsible for the whole borough and there are compelling demands elsewhere and it is unreasonable and possibly discriminatory to reject other demands whilst continuing to allocate resources to what is considered as dissatisfaction experienced by a small minority of this particular local community.

It is considered that expenditure thus far is unreasonable and any further expenditure would be unjustifiable specifically when the Council does not hold any evidence that would suggest there is a safety, access or speeding problem. There is no evidence to suggest that there is an acceptable resolution on the horizon. The available data and the feedback received during the consultation does not indicate that the width restrictions offered substantive benefits and the fact that majority of those who wrote in support of the width restrictions also requested that more should be done.

Due to the network layout of the roads in this area, it would not be possible to address the issues of one group of residents without adversely affecting another group of residents particularly when there are other roads that complain about similar problems.

#### ***(b) due consultation and the taking of professional advice from officers;***

*We note from the consultation results that a number of those stating they are against the width restrictions did so at the very outset (June 2015) when 'planter boxes' were being used to restrict the width. Whilst these are of course valid representations, it is not clear from the officers' report whether the subsequent use of posts may have affected these respondents' judgement on effectiveness.*

#### Response

Although the features were changed i.e. the planters were replaced with build outs, reports of poor driver behaviour and continual damage to the bollards continued and the cost of maintaining damaged bollards became unaffordable. The behaviour of drivers and damage to the new features did not change. Additionally, the Council did not receive any retraction of any objections. In some cases individuals reiterated their objections after changes were made. The consultation was based on the width restrictions rather than the features used for the width restriction.

Having viewed the dates of the representations received, it appears that the majority of the representations were received during December 2015

*At this point, there has also been no consultation at all with residents living in the streets affected on either point 2) or point 4) under part 6) of the Decision Notice, namely junction entry treatments and the introduction of a 20mph zone.*

### Response

The Cabinet Member's decision refers to consideration of other measures which would need to be programmed and assessed. Consultation takes place once a design is prepared and agreed. It should also be noted that the introduction of a junction entry treatment does not require any form of consultation. But there will be an information letter advising residents and it would be more about the construction time frame. Normal practice is to consult ward Councillors prior to installation. In terms of a 20mph speed limit, as the Cabinet Member has an aspiration to introduce 20mph speed limit across the borough. If the Council become convinced of a case, this would be subject to identifying the appropriate funding and it would be incremental. The consultation would be an area wide statutory consultation, level of which will be determined in discussions with the appropriate Ward Councillors and the Cabinet Member.

### ***(c) respect for human rights and equalities;***

*There is no analysis provided in the report on the impact of the removal of both experimental width restrictions on vulnerable residents within the borough, and in particular the safety of children and young people. There is no evidence in the report that the Cabinet Member has given this due consideration when making his decision. Para 8.1 of the report states that 'the width restrictions have had an impact on the wider community through displaced traffic and congestion'. However, there is no reference to the impact of removing the width restrictions.*

### Response

It should be noted that no such analysis was done when the experimental features were introduced and none were required by law. In fact no such human rights and equalities analysis has been carried out as part of any measures considered / investigated in this area. Such assessments for minor schemes would be beneficial but not essential. The key factor is to ensure that no one user group is not disadvantaged / adversely affected and if they are the Council must consider the appropriate mitigating action. The extent of such an assessment would be proportionate to the proposed measure. Within traffic, highway and parking schemes, the Council does consider the impact of its proposals and identifies any adverse impact with particular attention to more vulnerable road users. As part of the assessment, officers ensure that certain groups are not adversely and disproportionately disadvantaged as a result of anything the Council does.

Over the last 3 years there has not been any recorded personal injury accidents in Belvedere Drive and one in Belvedere Grove whereby the driver left his vehicle whilst the engine was running, and the vehicle rolled and hit another vehicle. There is no evidence that safety and access was a problem before the width restrictions were introduced and there is no evidence to suggest that safety of any road user would be compromised in any way now that the features are removed. In fact given the number of vehicles that have hit the features over the last 18 months, it could be considered that safety will improve with the features being removed.

It can be considered that the impact of the experimental width restrictions could potentially have a negative impact on the vulnerable road users such as children and young people whose safety may be compromised by increase in traffic through diverting traffic from specific roads onto neighbouring roads. It is being argued that mitigating action could be taken against the negative impact in neighbouring roads. However, the fact is that this approach is not sustainable nor in line with the principles of equality and Council's current practice when dealing with such issues. By attempting to address rat running the Council will be affecting other roads which will continue to have a domino effect and it is not considered to be the best use of Council's limited resources and it is questionable as to whether it deals with the 'problem'.

In terms of speed of traffic, according to the data, before the width restrictions were introduced, the 85 percentile of the speed in Belvedere Drive was 31mph in one direction and 29mph in the other; in Belvedere Grove, the 85 percentile of the speed was 23mph in one direction and 22mph in the other. Such speed is not considered as excessive speed and therefore do not require any action to be prioritised.

***(d) a presumption in favour of openness;***

*In the absence of the Street Management Advisory Committee being able to consider this in public and provide recommendations to the Cabinet Member, it is difficult to argue that this has been an entirely open and transparent process. Ward councillors in Hillside and Village have been frequently contacted by residents in and around the area affected by the experimental width restrictions precisely because there has been a lack of information forthcoming from the Council on what is happening. Officers recommend at F) in their report that the Cabinet Member should agree 'to exercise his discretion not to hold a public inquiry on the consultation process'. Yet the key decision published by the Cabinet Member makes no mention of a public inquiry so it is not clear whether one is planned or not. It would seem to us that a public inquiry would be entirely appropriate in these circumstances, particularly given the absence of democratic input from the Street Management Advisory Committee following its abolition-*

Response

The Council has carried out the standard consultation process here as elsewhere in the borough as applicable for similar projects. The Council has not deviated in any way.

It is normal practice to inform residents / update residents following the conclusion of any consultation and after Cabinet Member decision is made. Residents were advised that the width restrictions were implemented under an experimental Order and that a response would be made to those who make representations after a Cabinet Member decision is made. It is not a statutory duty to routinely update residents through the course of any project. Merton, however, does update residents via a newsletter after the decision. The newsletter often includes Cabinet member decision and the next course of action. Additionally any new information is posted on the website. The lack of an update would mean that there is nothing to update.

Anyone who may have contacted the Council would have received the appropriate response and every effort is made to update the Council's website. The majority of contacts were made to report damaged bollards and those who did contact the Council did so in making further objections or to reiterate their original objections. In conclusion anyone who contacted the Council was updated accordingly.

It is important to note that all Hillside and Village ward Cllrs were invited to 3 meetings. A meeting was held on 21<sup>st</sup> January 2016 between those ward cllrs who attended the meeting and Council officers, during which time the conclusion of the traffic data, the outcome of the representations and the impact of the width restrictions were provided and discussed at length. A second meeting was held on 10<sup>th</sup> February 2016 during which time the outcome of the consultation, the impact of the width restrictions and officers' recommendation were discussed.

Upon a request from Ward Cllrs, a copy of all representations were sent to Hillside and Village councillors on 20 April 2016.

A third meeting was held on 2<sup>nd</sup> August 2016 during which time all available information was discussed with Ward Members and the Cabinet Member. Officers advised all members present

of officer's recommendations and reasons for those recommendations which have been set out in officer's report which was later submitted to all the Hillside and Village Members and the Cabinet Member on the same day.

No minutes were taken by officers at any of the above meetings since they were discussions and not formal meetings of the Council.

The omission of *Not to hold a public inquiry* from the Decision sheet was done so in error. The Council has no intention of holding a public inquiry as the decision not to retain the width restrictions or progressing this project has been made based on the information that has been collected without prejudice and also being mindful of other factors such as the impact of the restrictions; dealing with rat running not being a priority for the Council; equality in the sense that all similar demands from elsewhere are refused and no justification can be brought forward as to continue with allocating resource into this specific area. It is considered that the Cabinet Member has considered all representations that were made and therefore was aware of the views held by those who responded as well those views of the Hillside and Village Ward Councillors.

***(e) clarity of aims and desired outcomes;***

*There is a lack of clarity within both the report and at section 7) of the Decision Notice about the damage to the bollards constructed as part of the experimental with restrictions. The Cabinet Member gives as a reason for his decision 'the continuing damage to bollards as a result of the width restrictions bollards and the resources used to repair the damage'. Yet at para 3.8 of the report, it states 'the problems with width restrictions in terms of damage and violations experienced here are not unique to this area and are experienced across all width restrictions'. This seems contradictory to the reason above given by the Cabinet Member for removing the width restrictions at Belvedere Road and Belvedere Grove. The logic of this statement that it is unsustainable to continue repairing the bollards is surely that no further width restrictions would be introduced anywhere in the borough in the future and that the existing ones would be removed. Yet this is presumably not what the Cabinet Member is proposing and it is difficult to understand why this is therefore used as a primary reason for removing the experimental width restrictions.*

Response

This has been taken out of context somewhat. This was in response to the expectations from Ward Cllrs and residents that the width restrictions should be constructed in a more robust manner and improved aesthetically. The report attempted to explain that the width restrictions were implemented in the same manner as if the features were permanent and that there is no solution to the continuous damage and further funding cannot be justified.

It is true that damage to bollards are not unique here and does happen elsewhere. However, the number of complaints and reported incidents are far greater from this area compared to other parts of the borough. There is a higher expectation to continually repair damaged bollards as a matter of urgency. Right or wrong, damage to other width restrictions are often unreported and do not receive the same attention.

It also important to note that as a rule width restrictions are not often fully supported by officers and where possible, such features are not introduced. In this instance, as the Council was not fully convinced of the merits; therefore, the width restrictions were introduced under an Experimental Order to gain evidence of the true scale of the problem and the impact on neighbouring roads. Since the evidence demonstrated that the benefits were minimal and its adverse impact disproportionate to the local community, officers did not consider that the width

restrictions should be made permanent. Full details of the impact and evidence are set out in the report dated 5<sup>th</sup> September 2016 attached as appendix 2.

*There is also a lack of clarity in the report and Decision Notice about what Belvedere Road and Belvedere Grove will look like after the experimental width restrictions are removed. There is no officer recommendation on this so presumably it was the officers' intention to leave a decision on that to the Cabinet Member? However, there is also no clarity on this provided by the Cabinet Member's Decision Notice. Will the road layout therefore revert to its original arrangement i.e. how it was before the features were introduced? Will any parking bays that were removed as part of the experimental width restrictions be reinstated? These are questions that residents will wish to understand.*

#### Response

By its nature, within an Experimental Order, the options are to make the Order permanent, modify or remove the scheme. This was explained within the newsletter that was delivered to the area. This newsletter is attached as appendix 3 of the Belvedere Drive & Belvedere Grove Experimental Width Restrictions Review report attached as appendix 2 to this report.

All changes that were introduced under an Experimental Order have now been removed. With the Experimental Order having expired, the road layout has reverted back to the original layout (before the experimental changes were made).

#### **(f) consideration and evaluation of alternatives;**

*We are disappointed by the Council's decision effectively to do nothing when there are clearly other options available. We met both with officers and the relevant Merton Cabinet Member in August 2016 to look at alternative outcomes and we do not believe they have been given due consideration. This can be evidenced by paragraph 4.5 of the report which states that 'officers consider this particular project closed'. We believe it is important that the Council remains engaged with finding an appropriate solution to on going concerns with traffic in the Belvederes. There was clearly an opportunity here for further enhancements to a scheme that, although not loved by all, was seen by most respondents to the consultation as proportionate and beneficial. A key element of this would be the maintenance of an appearance that inhibits through traffic. Sufficient weight has not been given by the Council to the benefits of ending this longstanding problem, particularly given that it has been made worse in part by protective measures implemented by the Council elsewhere in the borough. We therefore consider there is an onus on the Cabinet Member to continue to explore options that would be satisfactory to the area.*

#### Response

This has been explained elsewhere within this report as well as within the Belvedere Drive & Belvedere Grove Experimental Width Restrictions Review report - in that officers do not believe there to be a significant problem that requires priority attention in terms of safety and access. For many years the Council has considered one option after another and continuing with this project is not justifiable particularly when considering other priorities such as safety, access, excessive speed, regeneration. The Council is responsible for all the network in the borough and it must be acknowledged that there are roads more densely populated that carry more traffic than the Belvedere Roads and the standard response has always been that the Council does not deal with rat running which should be noted has not been quantified in anyway.

*As stated in the ward councillors' representation at page 39 of the report, we have asked officers to investigate further the way in which problems with the existing scheme could be ameliorated without having any further adverse impact on neighbouring roads. Yet the report*

*provides no evidence that any such investigations have taken place and the results presented to the Cabinet Member for consideration. At the very least we would want to see some road treatment(s) that emphasise that the Belvedere roads are a gateway to an area of homes and schools and not just a link through it to other distributor roads. That is why we have proposed to the Cabinet Member a raised platform and potentially a narrowing of the roads with some sort of visible reminder/illustration that they are residential e.g. a 'build out'. However, the Cabinet Member's decision does not commit the funding necessary for the installation of such measures. The identified need to do something about traffic and pedestrians in Church Road (regardless of whether or not the experimental width restrictions are removed) is also not recognised or addressed in the report.*

*From a Hillside perspective, there is no reference in the Cabinet Member's Decision Notice to consideration having been given to further investigations or measures to address traffic volumes in Woodside. Finally, despite Paul McGarry indicating he was willing to do so at a meeting with ward councillors in October 2015, there is no evidence in the report that the Council has considered Ridgway Place traffic issues as part of its review of the Belvedere width restrictions.*

#### Response

It is important to note that this report was purely to report on the Experimental width restrictions. It was not meant to report or consider any other projects or issues.

However, in response to the on-going complaints from Ridgway Place, it is important to note that despite the lack of evidence, the Council did introduce speed cushions which were then changed to sinusoidal road humps as the residents felt the cushions did nothing to slow traffic. According to latest speed data that was collected during 2014, the 85 percentile speed was concluded as 26mph in one direction and 24mph in the other. It is recognised that Ridgway Place is subject to a 20mph speed limit, however, it should be noted that the surveys were taken before the cushions were changed to sinusoidal road humps which are better speed reducing features when compared to cushions. According to the personal injury accident records, the last PI accident took place in November 2012, dark conditions, whereby a parked vehicle attempted a U turn and hit a cyclist.

Again, in the absence of any evidence that safety is an issue, the Council is not minded to concentrate its resources on this matter any further.

Although the Council acknowledges the desire to have certain features within these roads, it would all have to be subject to identifying the appropriate resource whilst considering other priorities.

#### **5. Documents requested**

*All papers provided to the Director of Environment and Regeneration/Director of Corporate Services/Chief Executive and relevant current and former Cabinet Members prior to, during and subsequent to the decision making process on the Belvedere Road and Belvedere Grove experimental width restrictions.*

#### Response

All relevant correspondence on this matter is being held by Democracy Services and can be viewed on request by contacting Democracy Services Team, Corporate Services, Merton Council, 020 8545 4035

All other documents, with the agreement of the chair, are available online

[www.merton.gov.uk/belvederearea](http://www.merton.gov.uk/belvederearea). One printed copy of all these are available to view in each of the group offices

After implementation of the experimental width restrictions:-

Document provided to the current Cabinet Member is the report dated 5<sup>th</sup> September 2016 which is attached as appendix 2. The report can also be viewed on the Council's website.

*All emails, reports and associated documentation relating to the decision on the experimental width restrictions provided to the relevant Cabinet Members (both current and former), Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.*

Response –

Report dated 5<sup>th</sup> September 2016 is posted on the Council's website and attached as appendix 2

Cabinet Member decision is attached as appendix 1

All relevant correspondence on this matter is being held by Democracy Services and can be viewed on request by contacting Democracy Services Team, Corporate Services, Merton Council, 020 8545 4035.

*Meeting notes of all meetings between officers and Cabinet Members (current and former) on the experimental width restrictions and any other traffic proposals previously or currently under consideration for the wider area.*

Response –

Notes related to this project taken by the Director of E&R at meetings with Cabinet Members can be viewed at the Civic Centre by contacting Democracy Services Team, Corporate Services, Merton Council, 020 8545 4035

Every effort has been made to locate notes that may have been produced by previous officers who lead on this project. Those notes that have been found are available online [www.merton.gov.uk/belvederearea](http://www.merton.gov.uk/belvederearea). One printed copy is available to view in each of the group offices.

With regards to notes generated by current officers - no minutes were taken at any of the meetings. Meetings that were held discussed information such as representations made to the consultation and traffic data. These meetings were more about sharing of information.

*All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers on the experimental width restrictions and any other traffic proposals previously or currently under consideration for the wider area.*

Response

All relevant correspondence on this matter is being held by Democracy Services and can be viewed on request by contacting Democracy Services Team, Corporate Services, Merton

Council, 020 8545 4035.

*Any papers/correspondence/reports/analysis to do with safety in the roads in and around 'The Belvederes'.*

#### Response to road safety analysis

According to personal injury accident records as provided by London Accident Analysis Unit, within the last 3 years there has not been any recorded personal injury accidents in Belvedere Drive but one in Belvedere Grove whereby the driver left his vehicle whilst the engine was running, and the vehicle rolled and hit another vehicle. Report is attached as appendix 4. There is no evidence that safety and access was a problem before the width restrictions were introduced.

In terms of speed of traffic, according to the data that was collected, before the width restrictions were introduced, the 85 percentile of the speed in belvedere drive was 31mph in one direction and 29mph in the other; in Belvedere Grove, the 85 percentile of the speed was 23mph in one direction and 22mph in the other. Such speed is not considered as excessive speed and therefore do not require any action to be prioritised.

As part of the experimental width restrictions the Council only collected volume and speed data within neighbouring roads. This data has been provided within the report attached as appendix 2. A plan showing the accident clusters within a 1m radius (as requested by Ward Cllrs as part of the Call-In process) can be viewed at the Civic Centre by contacting Democracy Services Team, Corporate Services, Merton Council, 020 8545 4035 and One printed copy is available to view in each of the group offices.

No correspondence relating to safety analysis could be found.

*The Equality Impact Assessment (or any other equalities analysis carried out) in relation to a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for the wider area.*

#### Response

Officers have been unable to locate a full Equality Impact Assessment when consideration was given to the actual implementation of the Experimental width restrictions or any other proposed measures in this area. However, as a rule certain considerations are given within any design. Such considerations include accommodating vulnerable road users such as those with disabilities, the old and the young. Within any design every effort is made to ensure that such road users are not adversely disadvantaged whilst considering the advantages and disadvantages of specific proposed features or / and overall proposed scheme.

EAs measure whether there is a negative or positive impact on different communities. There is an expectation from the Council to look for opportunities to promote equality that have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated.

Given the representations made against the width restrictions and the evidence that demonstrates the adverse impact the width restrictions have had on the local community, it could be considered many more were disadvantaged when compared to the very few who enjoyed little benefit.

The Council does not consider rat running as a priority and thus far has treated this area

favourably, something that has not been afforded elsewhere in the Borough. This is an opportunity to treat the borough in a consistent manner. The Cabinet Member's decision adheres to this approach / expectation.

Additionally, by continuing to address rat running in this area and not anywhere else, would mean that the Council will continue to remain inconsistent and discriminatory in its approach to such issues and be potentially discriminating against some of its residents.

Having conducted an Equality Impact Assessment, it has also become evident that socio-economics is an issue that has not been considered when dealing with the Wimbledon Village Area Study which has been primarily based on addressing rat-running. This is an issue for the Council as the residents in the disadvantaged and more densely populated areas of the borough are more adversely affected by traffic and parking matters including, safety and access, congestion, rat running etc but with disproportionate amount expenditure in this area has meant that funding could not be allocated to those other areas.

An Equality Impact Assessment based on the width restrictions and the continual demand to deal with rat running is attached as appendix 5.

*The detailed financial analysis of the projected costs of a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for the wider area.*

Response to (a)

Surveys - £11,415

Planters and signs - £20k

Removal of planters and construction of buildouts - £32k

Officer' time -£60k

TMO publications, Notices, Newsletters - £4k

Removal of width restrictions & associated works - £9,600

Repairs - £6,195 (does not include officers' time in dealing with complaints and reports of damage; site assessment and commissioning contractors for remedial works)

Response to (b)

Currently there are no alternative traffic schemes proposed for this area

*The detailed risk analysis in relation to a) the experimental width restrictions or their removal; and b) any other alternative traffic proposals for this area.*

Response

Officers have been unable to locate any safety risk analysis prior to the implementation of the experimental width restrictions or on any previously proposed traffic schemes in this area. However, since there was no evidence of any medium or high risk before the width restrictions were installed, there is no evidence to suggest that there is now a higher level of risk with the features removed. In fact their removal has removed the medium / high risk of damage only accidents that took place since they were introduced.

### **3. ALTERNATIVE OPTIONS**

3.1 There are a number of options that could be considered and these are set out below:

- one option would be to re-introduce the width restrictions. This would require the undertaking of a statutory consultation. However, being aware of the minimal benefits, adverse impact on the neighbouring roads and traffic, it would be difficult justifying the progression of this option. The problem with the damage will continue and the council will not be in a position to sustain the required resource for ongoing repairs. This option would also be contrary to the majority of feedback received during the Experimental consultation stage.
- To continue to find a solution that would be satisfactory to the area. However, this has been tried over the years and currently there is no funding available to undertake any further design / consultation. Given that the Council does not believe that rat running / volume of traffic is an issue (particularly when compared to other areas in the borough) such matters are not and should not be prioritised; to continue would mean that the council would not be consistent with its adopted practice when considering traffic related schemes.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 The consultation that was undertaken on the experimental width restrictions has been detailed in Belvedere Drive & Belvedere Grove Experimental Width Restrictions Review report attached as appendix 2 within this report. Currently there are no further consultations proposed.

### **5. TIMETABLE**

5.1 This would depend on what may be agreed

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1 This would depend on what may be agreed

### **7. LEGAL AND STATUTORY IMPLICATIONS**

7.1 Experimental Traffic Orders can only be made for a maximum of 18 months. The 18 month period expired on Friday 23 September 2016 and a decision whether to make it a permanent Order had to be made before that date.

7.2 In accordance with the Council's Constitution the Cabinet Member for Regeneration Environment and Housing made the decision to remove the width restrictions on 16 September 2016, such decision being subject to a call-in.

7.3 Should it be decided to re-impose the width restrictions, this could not be on an experimental basis and the statutory process for a permanent Order would need to be followed.

7.4 Other legal considerations are within the body of the report.

## **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1 To continue to allocate limited resource to address traffic volume in these roads would mean that:
- Other justifiable schemes would not be progressed
  - The impact on any measure would displace traffic onto neighbouring roads thereby causing a disproportionate disadvantage to those residents as well as all road users.
  - The Council does not deal with rat-running and other areas with similar, if with higher level of traffic, are not offered any consideration. The Council must be transparent and consistent in dealing with such matters.
- 8.2 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 experimental Order consultation process has provided the local community to air their views.
- 8.3 The needs of the residents are given consideration but it is considered that improving safety and access on borough roads take priority over issues such as rat running and dissatisfaction and inconvenience.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 N/A

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1 There is no evidence that safety is an issue. These have been detailed elsewhere within this report.

## **11. APPENDICES – the following documents are to be published with this report and form part of the report**

Appendix 1 – Cabinet Member decision

Appendix 2 – Belvedere Drive & Belvedere Grove Experimental Width Restrictions Review report to Cabinet Member

Appendix 3 - Newsletter

Appendix 4 – Accident report for Belvedere Grove

Appendix 5 – Equality Impact assessment

## **12. BACKGROUND PAPERS**

- 12.1 With the agreement of the chair, these background papers are available online [www.merton.gov.uk/belvederearea](http://www.merton.gov.uk/belvederearea). One printed copy of all these documents is available to view in each of the group offices.

- Non-key decision Cabinet Member decision sheet – 16 September 2016
- Non-key decision Cabinet Member decision sheet – 13 November 2014
- Non-key decision Cabinet Member decision sheet – 22 October 2014
- Non-key decision Cabinet Member decision sheet – 23 September 2013
- Non-key decision Cabinet Member decision sheet – 18 December 2012
- Consultation Newsletter – 15 January 2015

- Consultation Newsletter – 13 March 2014
- Consultation Newsletter – 18 January 2013
- Consultation Newsletter – 11 June 2012
- Street Management Advisory Committee Report – 18 September 2013
- Street Management Advisory Committee Report – 4 December 2013
- Street Management Advisory Committee Report – 19 September 2012
- Appendices 1-5 for 2012 report
- Wimbledon Area consultation results – March 2014
- Wimbledon area consultation results – June 2012
- Z36-30-10-1 Ridgway Place
- Z36-24-19-2 Experimental traffic management scheme – area wide
- Z36-30-10-2 – Experimental width restrictions in Belvedere Grove & Drive – Planters
- Personal Injury accident data – Belvedere Grove
- Minutes of officer's meetings
- Three year accident plot -1 mile radius from Belvedere Grove/Drive
- Current traffic schemes near Wimbledon Village

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