

# Committee: Sustainable Communities Overview & Scrutiny Panel

**Date: 11 October 2017**

Wards: Abbey, Lavender Fields, Trinity, Wimbledon Park

**Subject: Call-in meeting to discuss proposals to improve parking facilities in selected borough parks**

Lead officer: Chris Lee, Director of Environment & Regeneration

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

Contact officer: Doug Napier [doug.napier@merton.gov.uk](mailto:doug.napier@merton.gov.uk)

## Recommendations:

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That the Sustainable Communities Overview & Scrutiny Panel consider the information provided in response to the call-in request and decide whether to:

- Refer the decision back to the Cabinet Member for Regeneration, Environment and Housing for reconsideration;
  - Determine that the matter is contrary to the policy and/or budget framework and refer the matter to Full Council; or
  - Decide not to refer the matter back to the Cabinet Member for Regeneration, Environment and Housing, in which case the decision shall take effect immediately.
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## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out the response to the call-in and asks 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.
- 1.2. It recommends that the Cabinet Member upholds his previous decision published on 15 August 2017 (**Appendix 2**), based upon the reasons set out in the officer's report dated 10 August 2017 and the information provided within this report.

## 2 DETAILS

- 2.1 A statutory consultation exercise was conducted during the period 15 June to 14 July 2017 on proposals to introduce parking charges at Wimbledon Park, Haydons Road Recreation Ground, Abbey Recreation Ground and Tamworth Recreation Ground.
- 2.2 All representations received during that exercise, along with officer's comments and recommendations were reported to the Cabinet Member for Regeneration,

Environment and Housing on 11 August 2017 and the following decision was made:

- To proceed with the making of the relevant Traffic Management Orders (TMO) and the implementation of the proposed parking charges in Wimbledon Park, Haydons Road Recreation Ground, Abbey Recreation Ground and Tamworth Recreation Ground. The pay and display bays in car parks are to operate Monday to Friday between the hours of 8.00am and 4.00pm. The closing time of the parks is dusk or until the last activity finishes (especially during summer months).
- To proceed with the introduction of the proposed parking charges in Abbey Recreation Ground, Revelstoke Road Car Park - Wimbledon Park and Tamworth Recreation Ground, Monday to Friday, the charges to be 30p per hour paid in 20 minute time slots up to a maximum of 4 hours and a flat fee of £10.80 when in excess of 4 hours or £12 for 8 hours.
- To proceed with the proposed parking charges in Haydons Road Recreation Ground. The charges to be 60p per hour paid in 20 minutes time slots up to a maximum of 4 hours and a flat fee of £9.60 thereafter or £12 for 8 hours. The charging period would be between 9.00am\* (*an error; actually 8.00am*) and 4.00pm. Parking charges to be 60p per hour paid in 20 minute time slots up to a maximum of 4 hours and a flat fee of £9.60 thereafter or £12 for 7 (*actually 8*) hours.
- Not to proceed with the introduction of parking charges on Saturdays.
- Not to hold a public enquiry on the consultation.

The Cabinet Member's decision is attached as **Appendix 2**.

2.3 The decision was called-in following its publication. A response to the points raised within the call in paper is set out below by each point in turn.

#### **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:

We – the signatories – appreciate the amendments that have been made by the Cabinet Member to the original proposals that he authorised for formal consultation in his previous decision of April 2017. In particular, we welcome his decision not to proceed with charging in these four car parks on Saturdays.

*Response:*

*The recognition of the amendments to the original proposals is noted.*

We also note that the Cabinet Member has responded to concerns expressed during the formal consultation about the need to deter long-stay commuters

from using the parking spaces at these parks by introducing a flat fee for stays in excess of 4 hours and a fee of £12 for 8 hours.

*Response:*

*The recognition of the amendments to the original proposals is noted.*

We recognise that there is a need for the council to address long-stay commuter parking as well as issues with caravans and abandoned vehicles being parked at these locations and to manage the demand for parking at parks around the borough.

*Response:*

*The recognition of the problems encountered and the need to address these is noted.*

However, we continue to have reservations about certain aspects of the measures that are being proposed by the Cabinet Member and believe that the way in which the decision has been taken and the grounds upon which it is based merit being subjected to full scrutiny by elected members in a public meeting so as to ensure that the interests of local residents and park users are being best served.

*Response:*

*The background and context to the measures are provided below and in the various appendices to this report.*

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

It is not clear that the Cabinet Member's decision is proportionate to the desired outcome. The claimed outcomes are set out in 2.1 of the officer report. However, nowhere there does it state categorically that by introducing these pay and display bays, there will be a positive impact on congestion; on the security and safety of the parks; on meeting the needs of park users; or on improving the parks' attractiveness and amenity.

*Response:*

*In the view of the Council, a pay & display scheme would serve as a significant disincentive for unnecessary car use and serve to dissuade non-users of the park, such as off-site tradesmen and commuters, to be entering the site to occupy parking bays for several hours on end. This approach is consistent with the Draft Air Quality Plan which seeks to reduce air pollution from motor vehicles.*

*There would, furthermore, be less wear and tear impacts upon the parks' infrastructure (line-marking; tarmac surfaces) and less park-related traffic driving within the neighbourhood of the park searching for on-street car parking nearby when none was available within the park.*

*Representations from residents/users of Haydons Road Rec highlighted safety concerns emanating from commercial vehicles, a user-type that this scheme aims to tackle and dissuade by ensuring that there is, for the very first time at this venue, some robust enforcement capability.*

*The income generated from the parking scheme is proposed to be retained within the Greenspaces team to be reinvested in the parks service; such investments would undoubtedly include measures that would supplement safety and security and improve the park's amenities.*

Throughout this decision making process from the very inception of the policy there have been assumptions made by the Council about what the views of local residents and park users are. This is demonstrated in the officer report. For example, at 12.1 it acknowledges that the proposed measures 'may cause some dissatisfaction from the few, but it is considered that the benefits of introducing the measures outweigh the risk of doing nothing'.

Similarly, in an email from April 2017 the Leisure and Culture Greenspaces Manager states:

*"My impression has been that there's local support for this scheme"*

Yet, this is simply not borne out from the results of the recent consultation with opinion amongst those responding being much more split and indeed, a clear majority of respondents opposing the proposals for Haydons Road Recreation Ground. This tallies much more with the experience of ward councillors, who are aware that a sizeable number of residents have in the past supported free parking at their local park.

*Response:*

*There has been regular correspondence, over several years in the case of Wimbledon Park, and at other parks too, that parks users and stakeholders are dissatisfied with the use of the car parking spaces by non parks users. Examples are provided at **Appendix A**.*

*The Council's aspiration to adopt a pay & display parking in parks has been known and discussed with members and key stakeholders over a number of years.*

*The recent formal consultation exercise confirmed that a number of local people support the concept of charging in parks and a number recognised that commuters and other long-stay parking users, including abandoned vehicles were not acceptable, including some of those who submitted representations in respect of Haydons Road Rec. The most common issues raised in relation to this site - and evidently the reason why several objected to the scheme - concerned wider park security issues and park opening times, as opposed to the details of the pay-to-park regime.*

*The consultation did not reveal a groundswell of opposition to the principle of*

*pay & display parking at Haydons Road Rec. The supporters of free parking were described in one submission as “a few” and none of those submitted this view directly as part of the consultation. Indeed, in terms of the actual submissions, there was both overt and indirect support for a chargeable scheme.*

*Council officers have received no correspondence in recent years and none since parking charges were first proposed, more than 4 years ago, from parks users who have challenged the principle of charging to park, even if a number have expressed some concerns about the details: charges, hours of operation and concessions, etc. See **Appendix B**.*

*A statutory consultation of this sort is, irrespective, and as enshrined within existing legislation not a vote and therefore the numbers of representations received is not a key factor in itself; neither is it a matter of obtaining support for a proposal. A statutory consultation is an opportunity for members of the public who do not support the scheme to express their objections and the Council is required to give weight to the nature and content of representations and not necessarily the quantity of them. Therefore, it is the reason for the objection that is important and that must be considered.*

The same is true of the sports clubs who hire out pitches at these parks for their sporting activities. There is no evidence provided in the decision notice and report that their members and guests wouldn't prefer to keep free access for these sporting facilities.

*Response:*

*Sports users are not significantly adversely affected by this scheme as parking is proposed to be free on evenings and weekends. The standard charge is low at only 10p per 20 minutes and is designed not to adversely affect typical short-stay visitors, regardless.*

The Cabinet Member's decision also still fails to take proper account of the knock on impact of these measures on parking in residential streets around these parks. At Wimbledon Park, for example, the local residential roads have parking restrictions between 11am and 3pm from Monday to Friday on the Merton side. On the Wandsworth side, the parking restrictions are for just one hour a day. As a result, even having dropped the Saturday charging proposal, the Cabinet Member's decision to charge for parking between 8am and 4pm on weekdays risks causing additional parking problems on the surrounding residential streets, as park users who drive there will inevitably be incentivised to park in those streets between 8am and 11am and between 3pm and 4pm rather than using the car park.

Yet this knock on effect of the proposed charging hours being out of sync with the CPZ restrictions is not even referred to as a risk under paragraph 12 of the officer report. If the Cabinet Member remains determined to introduce charging in the Revelstoke Road car park then the hours should be no more than 11am to 3pm Monday to Friday as otherwise there is likely to be a significant increase in on street parking in nearby residential roads. This could also be an

issue for residential streets in and around Willmore End in relation to Abbey Recreation Ground.

*Response:*

*With any parking management scheme there are always local and secondary impacts in relation to the primary objectives of the scheme. The impact of neighbouring CPZs on the parks mean that residents and their visitors can park free in the parks' car parks which prevents park-related visitors from parking and therefore to seek parking elsewhere and as a consequence they will ultimately park in the surrounding roads outside of CPZ hours. By applying charges, the Council will be able to better manage the availability of the parking spaces for legitimate park users.*

The proportionality of this decision is also thrown into doubt by the Council's decision only to introduce charges at the Revelstoke Road car park despite Wimbledon Park having two car parks. If charging is going to happen then it doesn't seem to be proportionate for it not also to be applied to the Wimbledon Park Road car park.

*Response:*

*It is the intention of the Council to include this car park within the scheme in the fullness of time and subject to funding. At the time that this project was first proposed, the cost of the necessary investment to ensure that the car park at Wimbledon Park Road achieved the required standards for pay-and display parking was prohibitive at c.£150k. This car park is located on made-up, rough ground and the parking spaces are unmarked and as such it is unsuitable for a charging scheme in its current condition. The car park at Revelstoke Road already fulfils the necessary infrastructure requirements and is by far the busier and typically subject to greater abuses by non-park users of the two.*

Yet no explanation is given as part of the officer report as to what, if any, discussions have taken place with LB Wandsworth about a coordinated approach to charging for the whole of Wimbledon Park.

*Response:*

*There have been no specific discussions with LB Wandsworth about the pay & display scheme within the park. The park is owned and managed by LB Merton.*

Similarly no explanation is given for the Council's decision only to choose to pursue charging at the car parks of these four parks and not at other parks around the borough. The officer report provides no detailed analysis by the Council of the usage of these four car parks and how the revenue generating potential compares to other parks. This casts doubt on the proportionality of this decision.

So too does the statement by the Cabinet Member for Community and Culture at para 5.9 of the officer report:

*“I’d like to see this as a first sally into charging in parks. I hope for more in the months and years to come”.*

This suggests that it is indeed the Council’s intention to roll out charging to parks right across the borough. Yet, it is not clear how this is a proportionate response to the issues faced.

*Response:*

*The original purpose of the scheme was to address issues of the use of parks car parks by non-park users. Officers undertook analysis of all parks car parks in the borough for their feasibility for such as scheme, considering the nature and the magnitude of their existing uses by commuters, private businesses and for untaxed and/or un-roadworthy vehicles. See **Appendix L**.*

*The Council may indeed consider extending this scheme in future: at the car park by Wimbledon Park Road in Wimbledon Park, as has been highlighted in some of the consultation returns. No such decisions have been made at this juncture, but the Council will keep matters under review. Any such proposals would, of course, balance the costs against the benefits of such proposals, but this balance is generally considered at this stage to be less favourable and less justifiable at those sites that do not form part of the current proposals.*

Finally, it is noteworthy that the decision notice includes no provision for cyclists to leave their cycles when using the park. Given that one of the key objectives listed at 2.1 of the officer report is to encourage visitors to use alternative modes of transport, it seems strange for no measures to be proposed by the Council to incentivise cycling through secure provision.

*Response:*

*There are already cycle parking facilities in Wimbledon Park. The provision of additional cycling provisions is precisely the type of investment that the parking income could be prioritised for.*

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

There are concerns about the quality of the consultation on this important issue. A number of representations refer to the fact the respondents were not aware of the recent formal consultation until late in the day, even with the extension to the consultation period.

*Response:*

*The consultation exercise reflected the typical procedure adopted more generally for parking proposals within the borough.*

*The consultation period was 3 weeks and this was extended by one week when the Council was alerted to the fact that some individuals that wished to*

*contribute only became aware of the consultation. The Council is not aware that anybody who wished to express their views was unable able to do so within the revised timetable for submissions.*

The representation from the Friends of Haydons Road Recreation Ground highlights that “many of our members have only just become aware of the consultation”. This is concerning as one would have expected that, as a minimum, the Council would have written to all Friends Groups at these four parks to alert them to the consultation. Yet it appears this did not happen as para 5.1 refers only to “the erection of street notices on lamp columns.....and the publication of the Council’s intentions in the Local Guardian and the London Gazette”. There are similar complaints in the representations from other groups with an interest in their local park. The process was the standard one adopted for this process.

*Response:*

*The consultation process followed the normal and formal procedure adopted by the Council in making a Traffic Management Order for parking schemes of this nature. The consultation period was extended when the Council was made aware that some residents were unaware of this exercise. The Council is not aware of any individual who wished to comment on the proposals who did not have an opportunity to do so within the extended timetable.*

*The presence of the parking meters on site one year in advance of the formal consultation served as a visible notice that such as a scheme was under serious consideration by the Council. A number of parks users enquired about the parking proposals in the intervening months as a consequence of this. See **Appendix C.***

Even the robustness of the measures set out at 5.1 seems to be questionable with the representation from the Friends of Haydons Road Recreation Ground suggesting that there was no signage displayed at the Haccombe Road entrance to the park which is where the car park is situated. Other representations also refer to the paucity of notices advertising this consultation including one from the Battles Area Residents Association which makes clear that no notices were displayed on any of the park gates or on the SWCA noticeboard within Haydons Road Rec or on nearby lampposts. This is in direct contradiction to what is claimed in the officer report.

*Response:*

*The consultation process followed the standard procedure adopted in schemes of this nature with notices posted within the car park in question.*

*The consultation at the four sites in question was echoed in time and process by an identical consultation in relation to the introduction of car parking charges at Sir Joseph Hood Memorial Playing Fields, Motspur Park. That consultation exercise stimulated a petition to the Council that secured more than 1,200 signatures within the original consultation timescale, reinforcing the view that the established procedures are effective. Local awareness of the proposals at this*



*location were no more than they were at Abbey Rec, Haydons Road Rec and Tamworth Rec and probably less than they were at Wimbledon Park where the parking issue has been contentious matter for many years.*

*The standard procedure is that the statutory notices are displayed within the car park affected and not at park entrances, on gates or on lampposts or notice boards within the vicinity.*

Furthermore there is no evidence provided in the officer report to suggest that there had been engagement of any kind with the sports clubs who hire out pitches at these parks for their sporting activities.

*Response:*

*Sports clubs are not substantially affected by these proposals as weekends and evenings are not included within the proposed charging regime.*

There are similar doubts about the “informal consultation...with key stakeholders” referred to at paragraph 5 of the officer report. No information is provided on what the outcome of this informal consultation was nor who the key stakeholders were if not residents and councillors. It is not clear what empirical data on the views of residents and park users was used by the Cabinet Member in his previous decision of April 2017.

*Response*

*Copies of numerous relevant emails with members and stakeholders are included within the appendices to this report.*

*The matter of car parking and whether or not parking charges should apply has been a particular focus at Wimbledon Park for some years, peaking around 2013 when the Council proposed to extend the parking capacity at this venue. The stated position of the Friends of Wimbledon Park at that times was, for example, is that “a charge should be made for parking” See **Appendix D**.*

*A formal consultation process was always designed to be integral to the progress of this scheme. See **Appendix E**. That process occurred and the responses to it encouraged the Cabinet Member to amend the scheme in consultation with officers.*

*The matter of pay-to-park has been raised and discussed at Council Questions in July 2016 See **Appendix F**. The topic has also appeared in published Council papers, including Council and at Scrutiny committee reports since 2013. See **Appendix G**.*

Concerns were also raised by ward councillors about the lack of consultation when the Pay & Display machines were initially installed without any warning in the car parks at these four parks back in June 2016. From the very start of this process when the policy for charging was first muted there have been concerns about the decision being predetermined. The fact that the P&D machines were erected at some considerable cost to the tax payer well in advance of any

decision to proceed serves only to reaffirm this.

*Response:*

*This comment recognises that the principle of pay-to-park has been an ambition of the Council for some considerable time. There are Council minutes dating back to February 2013 (See **Appendix H**) that highlight this aspiration. There has been remarkably little opposition to this principle up to and including the most recent consultation exercise.*

*The ticket machines were ordered in December 2015 prior to the end of the financial year during which funding was allocated and delivered shortly before they were stalled on site in the early summer of 2016. They have not been activated in the interim period nor in advance of the formal consultation. They have, nevertheless served as a useful visual reminder and prompt in the field that such a scheme was in the planning stages. Whilst the commencement of the community consultation was unexpectedly delayed, Parking Services commonly holds such machines in stock so that replacement machines can quickly be deployed. The machines installed in parks formed part of that procedure; any one of them could have been redeployed at short notice and minimal cost as they are self-standing and secured by four bolts only. Greenspaces worked with Parking Services to secure these machines in a timely and efficient fashion and agreed to install these in the field as it understood that internal storage capacity was at a premium at the time.*

Such predetermination is demonstrated in the response to a question from Cllr Brian Lewis-Lavender at Full Council in July 2016, when the relevant Cabinet Member stated:

*“In terms of the pricing structure, I understand that it’s still under consultation and I would encourage the councillor to feed into that process.”*

*Response:*

*This quote reinforces the Council’s informal consultation efforts on this matter and that it has encouraged relevant others to input to the details of the scheme.*

This suggests it was only the pricing structure that was subject to formal consultation whilst assuming that a decision to proceed with some kind of charging was taken as read.

*Response:*

*The principle of parking in parks has been proposed and discussed within the Council for several years and with a number of park users key stakeholders too See **Appendix I**. Some key groups, such as the Friends of Wimbledon Park, went so far as to recommend such as scheme. The historical debate has been about the details of the scheme and not the principle. The recent formal consultation was an opportunity for a much wider audience to air their views. They did so, and the parking proposals were amended directly as a consequence of that exercise and the comments provided.*

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

It is not clear what assessment has been made of the impact of the Cabinet Member's decision on the elderly or disabled who may need to use their vehicles to drive to their local park. Similarly there is no assessment included in the report of the impact of this decision on residents and families on low incomes who may struggle to afford these new charges and therefore risk being disenfranchised from enjoying the park if they have to pay to park.

*Response:*

*An equalities impact assessment was conducted at a much earlier stage in the project planning process. See **Appendix P**.*

*The proposed charging regime has been designed so as not to unduly dissuade typical park users, but offers discouragement to those users who exploit the free parking opportunities within our parks without the expressed purpose of enjoying the park itself. The charges compare favourably with the typical town centre parking rates levied in and around this part of south London.*

Many residents with children may well have little choice but to drive to the local park, particularly if they have picnics/games/pushchairs etc. to transport there. The same is true of sports club members who hire the pitches and may have sporting equipment with them. Yet there is no recognition of this in the Cabinet Member's decision notice nor in the officer report.

*Response:*

*The scheme is designed to better manage the demand for parking and to better ensure that essential or near-essential car users have an opportunity to park in the park upon their arrival. The proposed charging regime was designed with commuters and long-stay parking in mind; the fees were deliberately kept low with regular and legitimate parks users in mind.*

*Sports club will not be significantly affected by these proposals and, indeed, many of our regular clubs have on-site equipment storage facilities or local arrangement for equipment and bulky items.*

At paragraph 10 the report states that bodies representing motorists are included in the statutory consultation. Yet there is no reference to organisations or community groups representing older or disabled residents or those on lower incomes. It can therefore only be assumed that these organisations were not consulted.

*Response:*

*The consultation followed the standard consultation procedures adopted in all such schemes.*

*All venues within the scheme already support dedicated disabled parking bays and the charging proposals makes specific provisions for Blue Badge holders. Blue Badge holders are permitted to park in any parking space in these car parks for up to three hours free of charge.*

At 10.2 the report states that “the design of the scheme includes special consideration for the needs of...charitable and religious facilities” yet no detail is given as to what this means nor what consideration has been given to the other protected characteristics.

Furthermore, there is no reference in the report to residents in Wandsworth borough despite the fact that they are likely to be impacted by changes to parking arrangements at Wimbledon Park. Indeed one of the representations on the Revelstoke Road car park states: “...it appears that neither LB Wandsworth Council, nor residents there, have been consulted on the proposals. The sole notice advertising the proposals is displayed beside the tiny part of the car park that lies within LB Merton.”

*Response:*

*As defined within existing legislation, a statutory consultation involves publication of the Council’s intention in local newspapers and the erection of formal notices within the vicinity of the proposed measures. The procedure also involves contacting all recognised statutory bodies.*

*As part of this consultation exercise, notices were erected by the Council’s contractors in all of the car parks affected, and in the local press, as per normal practice. The car parks in question are not especially large, of course, and whilst there may be limited places where they can usefully be posted, we believe that process was undertaken in all cases and that the notices were clearly visible on site.*

*Additionally, the Council contacted all Ward Councillors advising them of the commencement of the statutory consultation. This occurred on 13 June 2017, two days prior to the commencement of the formal consultation.*

*There is no legal requirement to directly contact users and focus groups, etc. Moreover, it would not be feasible to individually consult as suggested as it is not always possible to capture all interested parties and, by contacting a few only, this could be perceived to be prejudiced and partial.*

*The reference to “the needs of.... charitable and religious facilities” alludes to the fact that the scheme design would treat all sections of the community equally and not discriminate against any group that wishes to utilise the park’s car parks for any activity*

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

It was of considerable surprise to both residents and ward councillors when Pay

and Display ticket machines were installed last year in the car park of the parks in question before either residents, park users or ward councillors had been consulted. This demonstrates a clear lack of openness in how this policy has been introduced and the decision making process that has led to it. It was only after considerable pressure from councillors that the Council agreed not to commence this charging scheme until a formal consultation had taken place.

The Council has not made reasonable arrangements to publicise this policy change. It has not been brought to scrutiny in the last year for detailed consideration and is not included in the manifesto on which the current administration was elected.

*Response:*

*There has been member awareness of the Council's plans to introduce such a pay-to-park scheme for several years: since February 2013 at least when the matter was discussed at the Overview & Scrutiny Commission.*

*The funding for such a scheme was formally approved by Council within its "Business Plan 2015/2019" in March 2015 (See **Appendix J**). The principle of charging for parking in parks was, furthermore, alluded to in the original Greenspaces' Target Operating Model of 2014:*

*"An effective working partnership with Parking Services and others in relation to car parking issues and other income generation opportunities in and adjacent to parks and open spaces".*

*The details were expressed more explicitly in the Greenspaces Target Operating Model of 2016:*

*"E&R26 - Introduction of P&D within certain parks, responding to demand for the management of parking & controlling excess demand for spaces/commuter parking." See **Appendix K**.*

*Local residents had, in several cases, been pressing for such a charging scheme and/or controls over recognised parking abuses by non-park users.*

*The machines have not been commissioned since their installation and no tariff boards have ever been installed, for the principal reason that the Council always intended to consult upon the details. Indeed, consultation is a statutory requirement of the scheme that is proposed.*

*Only 5 sites out of the 20 parks that support a car park have ever been proposed to be included within the scheme. These include some of our very busiest parks, which are subject to some of the greatest parking abuses by non-park users.*

It is also not clear from the officer report why these specific locations have been chosen nor what specific assessment has been made of issues with parking being experienced at all parks across the borough. As a result, there is no comparative data available on which to base the choice of parks in which to commence charging.

*Response:*

*The locations chosen were selected on the basis that their car parks were known to be the subject of some regrettable exploitation by commuters, commercial businesses and for the storage of abandoned and untaxed vehicles, unrelated to the operation of the park.*

*Four of the original set of five venues are located within a short walking distance of an underground or railway station.*

*A review/analysis of the physical characteristics and usage of all car parks within the borough's parks formed part of the decision-making process. See **Appendix L**.*

There is also a lack of openness in relation to costs. It is not clear from paragraph 8 of the officer report how much revenue is due to be generated each year from these new charges and how this revenue will be spent other than as part of the Greenspaces budget. In particular no information is given on whether these monies will be ring fenced for use in the four parks where the car park charges are being introduced. Instead it states simply that "the income will be retained within Greenspaces' accounts and will support the service's ongoing revenue costs." This means that it is possible the revenue from these four car parks will be used to support parks elsewhere in the borough. Clarity over the intention for the revenue and a commitment from the Council to invest the revenue back into the four parks affected might well have garnered more local support for this policy.

*Response:*

*The original estimates of income based upon local comparators provided by the Council's Parking Services team suggested that the income would be in the region of £40k per annum.*

*The intention is that the income will be retained by Greenspaces for re-investment in parks infrastructure requirements: access, path and car park repairs principal amongst these.*

*The vast majority of the borough's park and open spaces do not enjoy car parks that might be included within the scheme. That said, as the parks included within the scheme are some of our busiest, and all are recognised Key Parks, then these 4 sites will undoubtedly benefit disproportionately to the good from this opportunity, not least so in respect of repairs and improvements to the car parks themselves.*

There is also a question mark over why money has been spent already in installing the P&D machines at these parks prior to any consultation or formal decision being taken to proceed with the TMOs. Had a decision been taken not to proceed, what would have been the cost of removing the P&D machines (as will presumably now have to happen at Sir Joseph Hood Memorial Playing Fields)? This suggests that there was always a high probability that the decision would be taken to proceed with some kind of charging regardless of the results of the

consultation.

*Response:*

*The prevailing car parking issues in the borough's parks has been recognised for a number of years, with a number of residents/users and groups calling for the Council to introduce charges to address this problem.*

*There has been an awareness of the Council's plans to introduce a charging scheme for several years and regular users of the park affected would have been aware of the machines on site since the summer of 2016. The precise details of the scheme (charges and times of operation) was always anticipated to be a key component of the consultation process. The machines have never been commissioned and no tariff boards have ever been installed, a detail that supports this point.*

*The cost of removing the machines is minimal, as this requires the removal of four bolts only. The machines are solar-powered and stand-alone.*

The risk is that the perception of residents and park users is that this decision has been taken predominantly in order to generate revenue for the Council and to deliver on the savings proposal included in the MTFS.

*Response:*

*Whereas there will, indirectly, be income accrued from the scheme for reinvestment within the borough's parks service, the primary objective of this scheme was to deal with some recognised parking abuses at key parks where parking for genuine park users was being significantly compromised.*

There is also of course the possibility that revenue for the Council could potentially be lost from pitch lettings hire if sports clubs and others are deterred from hiring the pitches due to the cost of parking. Yet this isn't considered anywhere in the officer report.

*Response:*

*The expected impacts upon sports clubs are negligible due to the proposed operational times of the scheme. Income lost as a direct consequence of adopting the schemes are considered to be minimal to zero.*

Finally, in relation to openness, it should be noted that a number of the representations are not fully reproduced in the officer report. Several representations have various words missing on the right hand side of the page. There also remain question marks over the correct allocation of some representations which are listed as 'Comments' when they in fact make clear that the author is opposed to what is being proposed. This suggests they should in fact be listed as 'Representations against'.

*Response:*

*Formatting issues meant that some of the content within the original representations were clipped from the published version of the document. We offer our sincere apologies for that and provide a full version of the document at **Appendix M.***

*The comment on the interpretation of the representations is noted, but as indicated previously, this formal consultation was not a vote and the important detail is that all comments were considered, contributed to the scheme being amended and given also that some objections, particularly those in relation to Haydons Road Rec, appeared to be substantially based upon site security issues and concerns about gate locking arrangements within the park and unrelated to the proposed parking scheme.*

*Irrespective and in general terms, the word “object” is or should be included within any representation in order for it to be clearly considered as a “Representation against” any proposal. Otherwise, submissions would ordinarily be considered as a “Comment”.*

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

There is a discrepancy within the decision notice about the proposed charging period at Haydons Road Rec car park. At 6. C) of the decision notice, it states in relation to all four parks that: “the pay and display bays in car parks are to operate Monday to Friday between the hours of 08.00am and 4.00pm”.

However, at 6. E) in relation to Haydons Road Rec, the decision notice states: “Charging period would be between 9am and 4pm”. It is not therefore clear whether charging is proposed to start here at 8am or 9am.

*Response:*

*The original proposal was that the pay-to-park scheme will mirror the official opening hours of our parks: from 8am during the midweek; and from 9am at weekends.*

*References to a charging period of 9am to 4am is an oversight for which we apologise. This charging period was in fact dropped from the decision sheet provided by officers when, subsequently, the Cabinet Member determined not to charge for parking on Saturdays.*

Similarly, there is a lack of clarity over when the car parks are due to close. Para 4.5 of the officer report states: “Parking will not be permitted between 11pm and 6am” which suggests the closure time is 11pm. Yet elsewhere in response to residents’ justifiable concerns about the lateness of this closing time, particular in the winter months, the officer report states: “the opening times....would be Monday to Friday between 8am and dusk”.

*Response:*



*The periods during which the car parking charges will apply and the opening times of the car park are different. The period of 8am to dusk is the standard midweek opening period for the borough's parks. There is no proposal within this scheme for these existing access arrangements to change.*

*The new parking proposals will enable the Council to enforce a "no overnight parking" regime for the very first time.*

There is also a lack of clarity over the difference in pricing proposed for Haydons Road Rec compared to the other three car parks. 4.3 of the officer report states that the difference in the hourly rate proposed is "due to higher level of local demand". Yet no data is provided as part of the report to support this.

*Response:*

*The car park at Haydons Road Rec was recognised to be exceptional in that it suffered from unnecessarily high volumes of non-user vehicle movements as a consequence of local off-site commercial business users and the fact that it is situated in very close proximity to a supermarket and had become the de facto car park for that establishment. These high traffic volumes contribute to above-the-norm levels of wear and tear to the park's infrastructure and the elevated charging regime at this venue was designed specifically to address that concern.*

*This car park was commonly observed by officers to be entirely full when the park was entirely empty. See **Appendix N**.*

Conversely, the price shown in the decision notice for stays in excess of 4 hours at Haydons Road Rec (£9.60) is less than the flat fee for stays of 4 or more hours in the other three parks (£10.80). Yet no explanation or justification for this price differential is provided and why demand is greater at the lower end of the timescale but less at the higher end.

*Response:*

*The proposed standard daily parking charge for stays of more than 4 hours in all car parks is £12. However, at Haydons Road Rec the hourly charge is 60p, paid up to 4 hours. After 4 hours the flat rate is £9.60, thereby bringing the total daily charge to £12.*

*At the other three car parks the uplift beyond 4 hours is £10.80 due to the fact that the first 4 hours' cost is £1.20 and not £2.40 as it is at Haydons Road Rec.*

Finally, the report and decision notice provide no clarity over who will actually operate and police the proposed charging scheme and what the role of *idverde* is to be now that this company is managing the borough's parks and open spaces.

*Response:*

*The scheme will operate within the boroughs parks and will therefore be overseen by the Greenspaces team. The Council's Parking Services team will enforce the scheme and issue PCNs. There is no direct role for *idverde* in the scheme at the*

*present time.*

This is highlighted in the representation from the Friends of Haydons Road Rec where it is stated that, despite having identified volunteers willing to open pedestrian access to this park on a rota basis prior to 8am, this has not been able to be implemented due to the relevant keys not being provided to the Friends Group. In this vein, it is not clear who will be responsible for locking the car park gates at the end of each day and what financial implications this might have.

*Response:*

*The operational opening times of all of the parks included within this proposal are not directly related to this pay-to-park scheme.*

*The security and locking procedures for all of the borough's parks remains the overarching responsibility of idverde, as has been the case since the commencement of their contract on 1<sup>st</sup> February 2017. A local arrangement has now been agreed with the Friends of Haydons Road in relation to volunteer opening inputs, coordinated through the friends group.*

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

The decision notice at section 8 does not offer any other alternative options other than "Do nothing". It infers that the measures proposed are the only ones practicable.

*Response:*

*The recent consultation exercise offered local people and park users the opportunity to input on the details of this scheme. A number did so, and the scheme was amended as a consequence.*

If, as stated, the aim of this decision is to meet the needs of park users and residents then the report should state alternative options and demonstrate why alternatives would not work as successfully as the proposed measures.

*Response:*

*The concept of pay & display parking has been discussed and debated both within the Council and with key stakeholders over a number of years. The problems with long-stay parking by non park users, identified for 10 years or more, have persisted. Users and residents have become increasingly dissatisfied by these abuses. See **Appendix O**. The introduction of a formal management regime and the making of a Traffic Management Order were considered essential in order to enable the introduction of enforcement action by the Council's Parking Services team that would improve the parking opportunities for genuine park users that, to date, they have frequently been denied.*

What is clear is that there clearly are alternative options available and some

have been suggested by local residents. For example, the parking charges could only apply for a shorter period in order to deter commuters. Or alternatively a maximum stay of 4 hours could be considered with enforcement by the Council of these car parks which would help eliminate commuter car parking.

*Response:*

*The proposed scheme was modified in response to the comments and suggestions submitted by park users and residents. The parking fees were amended and increased to address and dissuade long-stay parking incidences.*

*At Haydon's Road Rec, the park's car park has, in effect, become the parking place of choice for users of an adjacent national-brand supermarket. The introduction of a 4 hour maximum stay would not eliminate or dissuade parking abuses of that nature.*

Or the gates of the car park could be opened later as happens at Sir Joseph Hood Memorial Playing Fields.

*Response:*

*The Council does not consider this to be a satisfactory long-term solution as it relies on parks' car parks not being open for at least 1.5 hours after the park is. This could be subject to challenge as being discriminatory.*

*The pay-&-display option enables the parks' car park to, logically, open at the established formal opening times for the parks whilst ensuring that competition with long-stay and commuter parking is significantly diminished.*

Another option to assist sports groups which use the parks would be to issue them with tokens for use in the pay and display machines. Yet no evaluation of these options is included as part of the decision making process.

*Response:*

*Sports groups are largely unaffected by the current proposals. The cost of administering such a scheme would be prohibitive and disproportionate, regardless.*

Finally, there is no reference in the decision notice to the fact that Haydons Road Recreation Ground car park is currently only open at weekends despite the height restrictions having been in place now for some time. Again, there is no consideration or evaluation as part of this decision as to why the car park could not have been opened during weekdays rather than waiting for the introduction of charging.

*Response:*

*The introduction of the pay-&-display scheme will enable the Council to reopen*

*the park gates at the time that this park is formally open to the public. In recent times, the Council has been forced to delay or cease opening the park gates at the routine park's opening times as the parking capacity quickly filled with commuters and non-park users upon opening at 8am.*

## **5. Documents requested**

All papers provided to the Director of Environment and Regeneration, the Cabinet Member for Regeneration, Environment and Housing and the Cabinet Member for Community and Culture prior to, during and subsequent to the decision making process on the implementation of parking charges in these parks.

*Included within various appendices to this report.*

All emails, reports and associated documentation relating to the implementation of parking charges in these parks provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers over the last 5 years.

*Included within various appendices to this report.*

Meeting notes of all meetings between officers / Cabinet Members and any third parties on the implementation of parking charges in these parks.

*None. Relevant emails are included within various appendices to this report.*

Any correspondence between the relevant Cabinet Members and external organisations on the implementation of parking charges in these parks.

*Included within various appendices to this report.*

Any correspondence between relevant council officers and external organisations on the implementation of parking charges in these parks.

*Included within various appendices to this report.*

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to a) the policy to introduce parking charges at these parks and b) the Cabinet Member's current and previous decision on this.

*Provided as **Appendix P** to this report.*

The risk analysis conducted in relation to a) the policy to introduce parking charges at these parks; and b) the Cabinet Member's current and previous decision on this.

*None.*

Detailed financial analysis of a) the policy to introduce parking charges at these parks; and b) the Cabinet Member's current and previous decision on this,

including income due to be generated for the council over the medium term and projections for the amount of revenue from pitch lettings hire that could potentially be lost to the council through introduction of the policy.

*The estimated income upon which the scheme was predicated was £40k per annum based upon the original scheme.*

*Lost income from pitch lettings was and is considered to be negligible to zero as the proposed parking scheme does significantly affect sports clubs and sports users.*

A breakdown of precise details of how the revenue generated from the parking charges will be spent by the Greenspaces team.

*Priorities have not been yet established as the scheme has not been implemented and income has not yet been received. However, one possible opportunity could be to invest in the development of the car park by Wimbledon Park Road as a pay-and-display car park.*

The detailed analysis by Merton Council of the usage of these four car parks on both weekdays and weekends. There is no detailed analysis. The parks were chosen based upon officer knowledge and experience gained over several years.

*The available data is provided in the appendices to this report.*

Formal assessment of issues with parking experienced at all parks across Merton.

*Provided as **Appendix L** to this report.*

Details of the informal consultations carried out with key stakeholders as referred to at paragraph 5.1 of the officer report (including a list of all 'key stakeholders').

*Included within various appendices to this report.*

### **3 ALTERNATIVE OPTIONS**

- 3.1 An alternative option would be to do nothing which would not address the core issue of car parking capacity within the popular parks in question being compromised by non-park users, abandoned vehicles, etc.
- 3.2 Continuing to keep park's car parks closed during standard park opening times for whole or part days in order to resist current parking abuses would be perverse given the pre-existence of these facilities and could potentially expose the Council to challenge by genuine park users with genuine access needs.
- 3.3 A private parking company could be engaged to manage the parking arrangements in the relevant public parks, a solution that is considered less satisfactory in that it offers less tangible financial or reputational benefits for the parks concerned, or for the Council

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. A statutory consultation on the proposals was undertaken for an extended period of four weeks during the period 15 June and 14 July 2017.

## **5 TIMETABLE**

- 5.1. If a decision is made to proceed with the implementation of the proposed measures, Traffic Management Orders could be made within six weeks of the publication of the made decision. This will include the erection of the Notices in the local area, the publication of the made orders in the local newspaper and the London Gazette. The documents will be made available at the Link, Civic Centre and on the Council's website. The measures will be introduced soon afterwards. Those who objected to the consultation will be advised of the decision separately.

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

- 6.1. An agreed saving (E&R26) of £60k, associated with this proposal, was implemented in 2016/17. The proposed P&D charges are included within the body of the report.
- 6.2. The approved Capital Programme includes an annual sum for parks investment, any capital expenditure to progress this scheme would have been purchased from this budget.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The Traffic Management Order 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 intentions to make a Traffic Order (by publishing as draft traffic order). These regulations also require the Council to consider any representations received as a result of publishing the draft order.
- 7.2. 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.
- 7.3. The Council's powers to make Traffic Management Order arise mainly under sections 6, 45, 46 122 and 124 and schedules 1 and 9 of the RTRA 1984.

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

Bodies representing motorists, including the emergency services, are included in the statutory consultation required for draft traffic management and similar orders and published in the local paper and London Gazette.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1. Not applicable.

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

10.1. The risk in not addressing this parking issue would be irresponsible and could be considered as a failure by the Council to address the genuine needs and wishes of users of the parks in question, some of whom require parking capacity during parks opening times in order to more fully enjoy the recreational facilities that these venues offer.

10.2. The Council cannot itself enforce any off-street parking management scheme without the adoption of a formal Traffic Management Order.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A - documents & correspondence: context & background
- Appendix B - correspondence: charging regime
- Appendix C - correspondence: awareness of scheme & meters
- Appendix D - correspondence: Friends of Wimbledon Park position
- Appendix E - correspondence: consultation
- Appendix F - documents: Council minutes
- Appendix G - documents & correspondence: Council minutes
- Appendix H - documents: Council minutes
- Appendix I - correspondence: scheme awareness & informal consultations
- Appendix J - document: funding approval
- Appendix K - document: Greenspaces TOM
- Appendix L - document: parking analysis
- Appendix M - document: consultation representations
- Appendix N - correspondence: Haydons Road Rec.
- Appendix O - correspondence: parking problems
- Appendix P - document: equality impact assessment

## **12 BACKGROUND PAPERS**

12.1. Various documents, minutes & correspondence included as appendices to this report.

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